



L A W S

OF A

LOCAL NATURE,

PASSED AND PUBLISHED

AT THE TWENTY-SIXTH SESSION OF THE GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

HELD AT INDIANAPOLIS ON THE FIRST MONDAY IN DECEMBER, ONE

THOUSAND EIGHT HUNDRED AND FORTY-ONE.

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By Authority.

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INDIANAPOLIS:

DOWLING AND COLE, STATE PRINTERS.

1842.

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CHAPTER I.

An Act relative to a State road in Washington and Clark counties.

[APPROVED, JANUARY 26, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That P. H. McWilliams of Washington county, and Nathan Carroll and William Keynon of Clark county be, and they are hereby appointed Commissioners to view, mark and locate a state road commencing at a point on the present state road leading from Salem in Washington county to Charlestown in Clark county, at or near James Dailey's in Washington county, thence by the way of the head waters of the Cainy fork of Silver creek, thence with the county road to Robert Carren's, thence on said road to Nathan Carrel's, thence to Rose's mill, thence on said road to the intersection of the Salem road near William Davis's.

SEC. 2. That the Commissioners or a majority of them above named, shall meet at some convenient place near the commencement of said state road, at a time to be agreed upon by said Commissioners and take an oath faithfully to discharge the duties required by this act before some person legally authorized to administer the same.

SEC. 3. And when the Commissioners shall have discharged the duties required by this Act, they shall report the same to the board doing county business in their respective counties, who shall allow the said Commissioners a reasonable compensation for their services in proportion to the length of said road in the respective counties of Washington and Clark, the said boards aforesaid shall order the report of the Commissioners of said road to be recorded in the book kept for

that purpose, and for the recording their proceedings; and after recording the same as a state road, shall cause the same to be opened not exceeding sixty feet nor less than forty feet in width, and kept in repair as other state roads in such counties.

This Act to take effect and be in force from and after its passage.

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## CHAPTER II.

An Act to locate a State road therein named, in Hancock and Hamilton counties.

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That John Robb, and Andrew J. Sims of the county of Hancock, and James McNutt of the county of Hamilton, be, and they, or a majority of them, are hereby appointed Commissioners to view, mark and locate a state road, commencing at the Buck creek bridge on the National road in Hancock county, running thence to Landen Este's, thence on the most convenient route to Jenkens' mill in Hamilton county.

**SEC. 2.** Said Commissioners or a majority of them, shall meet at any time that may suit their own convenience and proceed to view, mark and locate said road according to the provisions of the first section of this act,—and shall make report to the Clerk's office according to the law now in force on such subjects. And shall be allowed the sum of seventy five cents each per day, out of the county Treasuries for such services. The said James McNutt to be paid by the county of Hamilton, and John Robb and Andrew J. Sims by the county of Hancock.

**SEC. 3.** This act to take effect and be in force from and after its passage.

## CHAPTER III.

An Act declaring a certain road therein named a public highway.

[APPROVED, JANUARY 6, 1842.]

Whereas by "an act providing for the location, opening, and improvement of a certain state road," approved, January 9th, 1830, Daniel Heaton of Hamilton county was appointed a Commissioner to locate and open a state road, from Newcastle, in Henry county, by way of the falls of Fall-creek and Noblesville, to Crawfordsville; and whereas said Daniel Heaton entered upon the discharge of his duties as such Commissioner and located and opened said road, but failed to file in the Clerk's office in the county of Montgomery a plat of its location. Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That said road as located by said Commissioner in the county of Montgomery aforesaid, generally known and designated as the "Crawfordsville and Lebanon state road," be, and the same is hereby declared a public highway.

**SEC. 2.** This Act shall be in force from and after its passage.

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## CHAPTER IV.

An Act to change a certain State road in Monroe county.

[APPROVED, JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Dorance B. Woodburn, of Monroe county be, and he is hereby authorized to change the upper Salem road, leading from Bloomington in Monroe county, to Salem in Washington county, so as to turn the same round the north east corner of his farm; Provided, That he shall not be permitted to increase the distance to exceed forty rods.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER V.

An Act to declare a County road therein named a State road.

[APPROVED, JANUARY 6, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the county road running from Mount Holly, in Randolph county, north to the Jay county line, intersecting a state road from said county line to Portland, in Jay county, be, and the same is hereby declared a state road.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER VI.

An Act declaring the road from Winslow in Pike county, to Boonville in Warrick county, a State road.

[APPROVED, JANUARY 17, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the road leading from Winslow, in Pike county, to where the same intersects the Corydon state road in Warrick county, and from thence on the Corydon road to where the same intersects the Boonville and Jasper state road, at or near Daniel Jones' plantation be, and the same is hereby declared a state road.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER VII.

An Act declaring a certain name a misprint, and for other purposes.

[APPROVED, JANUARY 17, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the name of Jesse Julow, senr., in the first section of an act for the location of a state road, approved, February 2d, 1832, is hereby declared a misprint, and that the name of Jesse Julow, senr., was intended to be Jesse Inlow, senr.

**SEC. 2.** Be it further enacted, That all proceedings done under the

provisions of the above recited act be, and the same are hereby legalized.

**SEC. 3.** Be it further enacted, That it shall be the duty of the boards doing county business for the counties through which said road may pass, to cause the same to be opened any width not exceeding sixty feet nor less than forty feet, and made agreeably to, and under the several acts that now are, or may be in force relative to opening and keeping in repair roads and highways.

**SEC. 4.** This act to take effect and be in force from and after its passage.

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## CHAPTER VIII.

An Act to change a part of a certain State road in Greene county.

[APPROVED, JANUARY 17, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That so much of the Smith's ferry and Terre Haute state road as lies between Elias Dayhuff's and a little hollow or ravine, opposite George R. Taylor's farm be, and the same is hereby vacated, and the said road is hereby located on the original route of said road between the points aforesaid.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER IX.

An Act to vacate a part of a certain State road therein named, and to declare a certain portion of a county road a State road.

[APPROVED, JANUARY 25, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That so much of the state road leading from Marion, in Grant county, to Strawtown, in Hamilton county, Indiana, as runs parallel with, and frequently intersecting the county road in said county of Hamilton, leading from Kemp's mill to James Beason's, beginning with the first intersection, and ending where said county road crosses the state road leading from Indianapolis to Fort Wayne be, and the same is hereby vacated; and the said county road, at the same place, and for the same distance, be declared the state road in lieu thereof.

SEC. 2. That the said road so changed, shall be kept open and in good repair, in the same manner that other state roads are provided for by law, in said county of Hamilton.

SEC. 3. This act to be in force from and after its passage.

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## CHAPTER X.

An Act to legalize the proceedings of Hamilton Lapham as Commissioner to survey and locate a State road from Lebanon in Boone county to Thorntown.

[APPROVED, DECEMBER 31, 1841.]

Whereas, by "an act relating to state roads," approved, February 24th, 1840, Hamilton Lapham by the name of Hamilton Sapham was appointed to survey and locate a state road from Lebanon, in Boone county, to Thorntown; and whereas, on account of the misnomer it is considered doubtful whether his acts as Commissioner aforesaid are legal, Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the acts of the said Hamilton Lapham, Commissioner as aforesaid, in the survey and location of said road be, and the same are hereby legalized and made valid.

This act to be in force from and after its passage.

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## CHAPTER XI.

An Act for the establishment of a State road in Fayette county.

[APPROVED, DECEMBER 24, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Cook, Henry Walker, and Ryland T. Brown of the county of Fayette and state of Indiana be, and they are hereby appointed Commissioners to view, mark, and locate a state road, not less than forty nor more than sixty feet wide running southerly from the town of Waterloo, in said county, on the best, most direct, and expedient route to reach the bridge across the river, in the vicinity of Connersville.

SEC. 2. Said Commissioners shall meet in Connersville, in said county, on the fourth Monday in February, 1842; and after having been

sworn by a Justice of the Peace, faithfully and honestly to discharge their duties as such, they shall proceed to view, mark and locate said road as aforesaid. And should either of said Commissioners fail to attend on said day, the remaining two shall select some discreet person to supply the vacancy; and should a majority of them so fail, the board doing county business for said county, shall at any subsequent term, appoint suitable Commissioners in this behalf, who having been qualified as aforesaid, shall proceed to the discharge of their duties.

SEC. 3. Said Commissioners, after having laid out said road, as aforesaid, shall report the location of the same definitely, to the next succeeding session of said board, who shall cause the same to be entered at full length on their record, and they shall make each of said Commissioners a reasonable compensation for his services in the premises.

SEC. 4. Every person who shall feel aggrieved, and entitled to damages because of the location of said road, shall present his grievances in writing to said board, at the session to which said report shall be returned as aforesaid, or in default thereof such claim for damages, shall be forever barred.

SEC. 5. Should there be any claim for damages presented, said board shall appoint viewers to assess the same, which view shall be regulated in all things, and determined agreeably to the provisions of the 7th, 8th and 9th sections of an act entitled "an act relating to public roads, and highways," approved, Feb. 17, 1838; and in estimating damages, said viewers shall take into consideration the present and ultimate advantages of such a thoroughfare, on a good and direct route to all premises adjacent thereto.

SEC. 6. It shall be the duty of the road supervisors, through whose districts said road may run to proceed, without any unnecessary delay, to open the same, as laid out, and put the same in a good passable condition.

SEC. 7. This act shall be in force from and after its passage.

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## CHAPTER XII.

An Act locating a State road in Clay county.

[APPROVED, DECEMBER 30, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Kennedy be, and he is hereby appointed a Commissioner to view, survey and locate a state road, commencing at the Rockville state road, south of Elijah Woolze's on his west line, thence south varying one quarter of a mile east, thence running on a line four miles south, thence varying one half mile west, thence south the nearest and

most suitable route to Elijah Rawley's mill, to intersect the Vincennes state road in said county.

SEC. 2. Said Commissioner, (or on his neglecting or refusing to serve, any other appointed to discharge such duty, and the board of county Commissioners of said county, are hereby authorized to fill any vacancy that may happen in the office of such Commissioner,) shall proceed after being duly qualified, on the first Monday of March next, or as soon thereafter as convenient, to view, mark, and locate said road on the route named in the foregoing section, or on such other route as may best subserve the public interest; and shall cause a copy of such survey and location to be filed in the Clerk's office of said county within twenty days after completing the same.

SEC. 3. Such Commissioner is hereby authorized to employ the necessary assistants; and the board of county Commissioners are hereby authorized to make such allowance to said Commissioner and assistants, as they shall deem reasonable.

SEC. 4. The board of county Commissioners in said county, shall order said road, when so located, to be opened any width not exceeding sixty feet, and to be kept in repair in the same manner, and by the same means, that state roads are.

SEC. 5. This act to take effect and be in force from and after its passage.

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### CHAPTER XIII.

An Act to locate a State road in Union and Franklin counties.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry Langston of Union county, and Daniel Landon of Franklin county be, and they are hereby [appointed] Commissioners, to locate and mark a state road as follows: Beginning at a point on the road leading from Liberty to Brookville by way of Templeton's creek, where the road leading from Bath in said county of Union, running westwardly, intersects said road; thence eastwardly along said last mentioned road to Bath, thence in a south-eastwardly direction the nearest and best route to the section line dividing the said Union and Franklin counties, thence east along said section line (except in places where the nature of the ground is such, that a departure from the line may be deemed expedient) to the road leading from Miller's mill to the town of Riley: *Provided*, That the Commissioners aforesaid are hereby authorized, at their discretion to extend the location of such road upon the line aforesaid to the state line, where it will intersect the state road leading from Oxford, Ohio, to Connersville, Indiana.

SEC. 2. Said Commissioners shall meet at Bath in said county of

Union, on the second Monday of May next, or on some subsequent day by them to be agreed upon, and shall be governed in all respects by the provisions of an act entitled "an act defining the duties of Commissioners appointed to locate state roads, and for other purposes," approved, February 1st, 1834.

SEC. 3. The county Commissioners of the said counties of Union and Franklin, shall not be authorized to appropriate to the road herein authorized to be located, any part of the road fund of said counties, known as the three per cent fund without further Legislative authority.

SEC. 4. This act to take effect and be in force from and after its passage.

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### CHAPTER XIV.

An Act to review and relocate so much of the State road from Fredonia to the mouth of the Wabash as lies in Warrick county.

[APPROVED, JANUARY 26, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Chester Elliott, Samuel Summers, and John Youngblood of the county of Warrick be, and they are hereby appointed Commissioners to relocate so much of the state road leading from Fredonia in Crawford county to the mouth of the Wabash in Posey county, as lies in the county of Warrick, as may by them be deemed proper and expedient.

SEC. 2. That said Commissioners, or any two of them on the third Monday of March next, or on any subsequent day they may determine on after taking an oath faithfully to discharge the duties assigned them by this act, shall proceed to review and relocate such portions of said road, in the limits aforesaid, as to them may seem proper.

SEC. 3. Said Commissioners shall within thirty days after the relocation of said road, cause a report of the same to be filed in the Auditor's office of said county, which shall be recorded by said Auditor, within ten days thereafter.

SEC. 4. Should a vacancy occur by death, refusal to qualify, or otherwise, of either of said Commissioners it shall be the duty of the board of Commissioners of said county, to appoint some suitable person to fill such vacancy at the first term thereof after such vacancy occurs.

SEC. 5. The board doing county business in said county shall make compensation to said Commissioners and their assistants (should they need any) for their services, and cause said road so relocated, to be opened, and made agreeably to, and under the provisions of the law for opening and repairing public roads and highways.

This act to take effect and be in force from and after its passage.

## CHAPTER XV.

An Act to amend an act locating a certain State road therein named.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That all that portion of the state road leading from Kirklin to Frankfort in Clinton county, from where the same commences on the Newcastle and Lafayette state road, immediately east of James Holcraft's Sr. dwelling house to Frankfort, be, and the same is hereby declared sixty feet wide.

**SEC. 2.** Be it further enacted, That from the commencement of said road designated in the first section of this act, the same shall be on the original surveyed route of said road until the same passes through James K. Allen's lane, and from thence on a direct line to the north side of William Spray's grove, where the same intersects the original surveyed route, thence on said route to Frankfort.

**SEC. 3.** It shall be the duty of the supervisors of the several road districts through which such road may pass, to cause said road to be opened sixty feet wide under the provisions of the law providing for opening roads and highways.

This Act to be in force from and after its passage.

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## CHAPTER XVI.

An Act to locate a State road.

[APPROVED, JANUARY 11, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the road designated and known as the Duck Creek county road, in the county of Bartholomew be, and the same is hereby changed to a state road, to be opened and repaired as other state roads.

**SEC. 2.** The change to commence where the Duck Creek road intersects the road leading from Newburn to Columbus, on the north west bank of Clifty creek; the said road to be continued on the same ground where it now is, as far as the county line dividing Bartholomew and Decatur, thence on the south east side of Duck creek, to intersect the road from Greensburg to Hope in Cyrus Alley's lane, forty feet from the bank of Duck creek in Decatur county.

**SEC. 3.** That Titus M. Hinman, Jacob Robbins, and Abraham Houser of the county of Bartholomew be, and they are hereby appointed Commissioners to view, and locate said road, for which they shall receive the sum of one dollar each, to be paid out of the county Treasury of Bartholomew county.

**SEC. 4.** This Act to be in force from and after its publication.

## CHAPTER XVII.

An Act declaring a certain word a misprint, and for other purposes relative to the county of Orange.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the word "Tavern" in the third section and fifth line of an act, entitled "an act to establish certain state roads therein named, and for other purposes," approved, February 15, 1841, is hereby declared a misprint, and the word "Town" be inserted instead of the word "Tavern" as heretofore described.

**SEC. 2.** And that the acts of Joseph Weeks, David Rice, and Jacob Lasher as Commissioners to locate a certain state road provided for in the third section of the act above referred to, approved, February 15, 1841, be, and the same are hereby legalized, except upon so much of said location as lies between Joseph Weeks and Joseph Farlow's in the county of Orange.

**SEC. 3.** That John Moyer, Moses Matthews, and John Frazier, of the county of Orange, are hereby appointed Commissioners to mark, locate or re-locate so much of said state road as lies between Joseph Weeks and Joseph Farlow's as aforesaid.

**SEC. 4.** That it shall be the duty of the said Commissioners hereby appointed or a majority of them to meet in the town of Paoli on or before the first day of November 1842, and proceed to mark out and locate said road on the nearest and best ground from point to point, and be governed in all respects by the laws in such cases made and provided, due regard being had to individual rights and public utility.

**SEC. 5.** This act to take effect and be in force from and after its passage.

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## CHAPTER XVIII.

An Act to locate a State road from or near the farm of Charles Carter, in the county of Ripley to the Ripley county line in a direction towards Columbus in Bartholomew county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That Stephen Andrews, John Ruby, and Samuel Cady are hereby authorized to view, mark, and locate a state road, commencing at or near the farm of Charles Carter, on the state road leading from Versailles in Ripley county, to Napoleon by the way of Isaac Levi's; from thence

to the county line in a direction towards Columbus in Bartholomew county.

SEC. 2. The Commissioners aforesaid shall proceed at any time within eight months after the passage of this act, first taking an oath faithfully to discharge the duties required of them by this act, to view, mark, and locate said road; and within thirty days after the location thereof, cause a report of the same to be filed in the office of the Auditor of Ripley county.

SEC. 3. It is hereby made the duty of the said Commissioners to have respect to private property in locating said road, where it will not materially increase the distance.

This act to take effect and be in force from and after its passage.

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## CHAPTER XIX.

An Act to create a State road therein named.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William T. Mitcheltree of Martin county, and Rapine Proctor of Lawrence county be, and they are hereby appointed Commissioners to view, mark and locate a state road from Harrisonville in Martin county, on the easiest and best ground to Port William in Lawrence county.

SEC. 2. Said Commissioners shall on the first Monday in August next, or some subsequent day meet at Harrisonville and after taking an oath for the faithful performance of their duties, proceed to locate said road, and shall be governed in all respects according to the laws now in force respecting state roads.

SEC. 3. This act to be in force from and after its passage.

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## CHAPTER XX.

An Act to vacate a certain State road in the county of St. Joseph.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the state road commencing near the centre of section twenty-seven (27), township thirty eight (38) north, of range one (1) east,

running thence north to the north side of section fifteen, thence north west until it intersects the Chicago road in section ten, same township and range, in the county of St. Joseph and State of Indiana be, and the same is hereby vacated and done away.

SEC. 2. This act to be in force from and after its passage.

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## CHAPTER XXI.

An Act to change a part of a State road therein named.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road leading from Indianapolis to Crawfordsville, commencing at Brownsburgh, and running east three quarters of a mile recently cut out by the citizens of said town and vicinity be, and the same is hereby declared to be part of the state road aforesaid, and the proper supervisor of that road district is hereby required to keep the same in repair in the same manner as any other part of said road.

SEC. 2. That so much of the old road as intervenes between the points above mentioned be, and the same is hereby vacated.

SEC. 3. This act to take effect, and be in force from and after its passage.

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## CHAPTER XXII.

An Act for the location of a certain State road therein named.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Lewis V. Baker, Joseph Starret, and Stephen Jackson be, and they are hereby constituted and appointed Commissioners to view, locate, and mark a state road as follows viz: Beginning at a point on the Juliet road west of Doorvillage where the road leading from Webster's mill to Michigan City crosses the same, thence south on the best and nearest route to the centre or near the centre of the south west quarter of sec. 17, in town. 34 n., of range 3 west in Stark county, thence on the nearest and best ground to the crossing of the Kankakee in section 35 or 36 in the above named town, and range, thence eastward on the nearest and best ground to Plymouth in Marshall county.

SEC. 2. That the above named Commissioners shall meet at the house of Lewis V. Baker on the first Monday of June next, or as soon thereafter as may suit their convenience, and after taking an oath faithfully to perform their duties according to the provisions of this act, shall proceed to view, mark, and locate said road, and within thirty days thereafter shall file their report in the Clerk's office in the counties of Laporte and Marshall.

SEC. 3. That the boards doing county business in said counties at their first meeting after the filing of said report, shall cause said road to be put under the care of the proper supervisors, whose duty it shall be to open and keep the same in repair as other roads are in this State.

SEC. 4. This act to be in force from and after its passage.

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### CHAPTER XXIII.

An Act declaring a certain name a misprint, and for other purposes.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Thomas Bedsttin in the 3d section of an act entitled "an act relative to state roads," approved, February 24, 1840, be, and the same is hereby declared a misprint, and that the name of Thomas Bedsttin was intended to be Thomas Bedster.

SEC. 2. That the said Thomas Bedster, together with the other Commissioners named in the above recited act be, and they are hereby appointed Commissioners to view, mark, and locate a state road from the town of Orleans, in Orange county, to Natchez in Martin county.

SEC. 3. The said Commissioners shall be governed in all respects agreeably to the provisions contained in the above recited act.

SEC. 4. This act to take effect and be in force from and after its passage.

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### CHAPTER XXIV.

An Act for the location of a State road in the county of Brown.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jesse Brown, and Henry Jackson of the county of Brown,

William Alexander, Jr. of the county of Monroe, be, and they are hereby appointed commissioners to view, mark, and locate a State road as follows: beginning at the forks of the road west of Nashville, in Brown county, near James Taggart's farm, taking the view of a county road, marked and located by John Hubbard and Christopher Stump, in the direction of Martinsville, in Morgan county, to where the same crosses the State road leading from a point near John Young's horsemill in Monroe county, to Joab Woodruff's in Johnson county, except where the same can be located on better ground, and with a view of shortening the distance.

SEC. 2. Said commissioners shall meet as soon after the passage of this act as may suit their convenience, and proceed to the discharge of their duties as herein prescribed.

SEC. 3. After said commissioners shall have completed their labors, they shall make out a plat of said road, and all the changes made in the county road aforesaid, the distance and width, and report the same to the board doing county business, at the first term thereafter, which shall not be later than at the June term, 1842; *Provided*, That should any of said road be relocated or changed in the county of Monroe, that they shall also make out and transmit by said William Alexander a duplicate copy thereof, each of which, shall be spread upon the county court order book, whereupon said county boards, or either of them, through which such change may be made, shall order the same to be opened in the same manner as other state roads are opened, by the laws now in force.

SEC. 4. Said commissioners shall each receive the sum of one dollar per day for each day they may be necessarily employed, to be paid by the county of Brown, unless a part of said road is relocated in the county of Monroe, then the said William Alexander shall be paid by the county of Monroe.

This act to be in force from and after its passage.

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### CHAPTER XXV.

An Act authorizing the boards doing county business in the counties of Warrick and Spencer, to appoint viewers, to view a road from Boonville to Mackville.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the respective boards doing county business, in the counties of Warrick and Spencer, at their June term next, or at the next succeeding term thereafter, to appoint in their respective counties, one suitable person in each, to view, mark and locate a State road from Boonville in Warrick county, to Mackville in

Spencer county, commencing at the south end of John McConnell's lane, on the Rockport road, from thence to the south west corner of Moses Chase's land, from thence eastwardly to Otter creek, from thence to Charles Meek's ferry, on Little Pigeon, and from thence on the best and nearest route to Mackville, in Spencer county: *Provided*, Should the said boards or either of them, deem such proposed road unnecessary, or not demanded by the public interest, no such viewers need be appointed.

**SEC. 2.** The persons so appointed shall be notified thereof by the sheriffs of the respective counties aforesaid.

**SEC. 3.** Said commissioners shall meet at Boonville, on the fifteenth day of June, or at some subsequent time they may agree upon, and after taking an oath or affirmation faithfully to discharge the duties assigned them by this act, shall proceed to view, mark, and locate the said road on the nearest and best way from the aforesaid points, and shall within thirty days thereafter, cause a detailed report of the proceedings to be filed in the Auditor's office in said counties respectively.

**SEC. 4.** The said road, (if ordered by the respective boards to be viewed) shall be opened, and governed in all respects as other roads are, and shall be a State road.

**SEC. 5.** The said viewers shall be paid out of the treasury of the respective counties for their services, such amount as the county board may deem just and reasonable.

**SEC. 6.** This act to take effect and be in force from and after its passage.

## CHAPTER XXVI.

An Act re-locating a part of the old State road, lying between the mouth of Bradbury's lane, on Middle Fork, and where it strikes the said road, between section fifteen and sixteen, in Lancaster township, Jefferson county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the old State road, lying between the mouth of Bradbury's lane, on Middle Fork, and where said old road runs to and strikes the State road, between sections fifteen and sixteen, in the township of Lancaster, and county of Jefferson, be, and the same is hereby re-established; but nothing herein contained shall be so construed as to vacate the new State road, but both the routes above referred to, be and are hereby declared State roads.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER XXVII.

An Act to amend an act entitled, an act to establish certain State roads therein named, and for other purposes, approved Feb. 17, 1838.

[APPROVED JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the one hundred and fifty-seventh section of an act entitled, an act to establish certain State roads therein named, and for other purposes, approved February 17, 1838, be, and the same is hereby revived; and that the eighteenth section of an act entitled, an act relating to certain State roads, approved February 24, 1840, be, and the same is hereby repealed.

**SEC. 2.** This act to take effect and be in force as soon as the damages occasioned by the location of said road to out-lots adjoining the town of Perryville, and lying east of Liberty-street, in said town, have been paid to the owners or legal agents of said out-lots, at the rate of eighty cents for each and every hundred square feet occupied by said State road.

## CHAPTER XXVIII.

An Act to locate a State road in Clay county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Thomas Harvy, Thomas West, and Presley Owen, be appointed commissioners, to view, mark, and locate a State road, commencing at Bowling Green, running thence the nearest and best route to Poland, in said county.

**SEC. 2.** That the commissioners, after having taken an oath or affirmation, to discharge their respective duties according to the provisions of this act, shall by the first of March, 1842, proceed to view, mark, and locate said road, or as soon thereafter as may be convenient, and within thirty days thereafter, file a report of their proceedings in the office of the clerk of the county aforesaid.

**SEC. 3.** That the board doing county business shall, at their first meeting after the report has been made and filed in the clerk's office, cause said road to be placed under the care of a supervisor, whose duty it shall be to open and keep the same in repair as other roads in this State.

**SEC. 4.** This act to take effect and be in force from and after its passage.

## CHAPTER XXIX.

An Act to locate a State road therein named and for other purposes,

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That John Egbert and Anthony Woods, of the county of Kosciusko, be, and they are hereby appointed commissioners, to view, mark, and locate a State road, commencing at or near the west part of Jefferson township, in Kosciusko county, where a county road leading from Milford, in said county, intersects the State road leading from South Bend to Huntington; thence running on the nearest and best route to the town of Milford; thence on the most practicable route to intersect the State road leading from Goshen to Huntington, at a point where the State road leading from Milford to Fort Wayne crosses the same, not running through any improvements of a longer standing than twelve months, without the consent of the owner or owners thereof.

**SEC. 2.** It shall be the duty of said commissioners, on the sixth day of June next, or within thirty days thereafter, to proceed and locate said road, and report their proceedings according to law; and after said State road is located and ordered to be opened as a public highway, then so much of said State and county roads as is located from said place of beginning to Milford, and from Milford to the place of termination, be, and the same is hereby vacated.

**SEC. 3.** This act to take effect and be in force from and after its passage.

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## CHAPTER XXX.

An Act to repeal the 33d section of an act, entitled "an act to establish certain State roads therein named, and for other purposes." Approved, February 15, 1841.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the thirty-third section of an act, entitled "an act to establish certain State roads therein named, and for other purposes," approved, February 15, 1841, be, and the same is hereby repealed.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER XXXI.

An Act to change a part of a certain State road in Greene and Monroe counties,

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the State road, running from Ross's Iron works, in Monroe county to Point Commerce, in Greene county, as lies between Ross' Iron works and Moses Ooley's mills, be, and the same is hereby vacated, and that part of said road is located on the route of the county road, leading from Ooley mills, to the Spencer and Springville State road.

**SEC. 2.** This act to take effect and be in force from and after its passage.

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## CHAPTER XXXII.

An Act to declare a certain road in Wabash county, a State road.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the county road running west from Liberty mills, in Wabash county, and intersecting a road leading from Peru, in Miami county, to Warsaw in Kosciusko county, be, and the same is hereby declared to all intents and purposes, a State road.

**SEC. 2.** This act to take effect and be in force from and after its passage.

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## CHAPTER XXXIII.

An Act supplemental to an act entitled "an act to re-locate part of a State road therein named," approved, February 3, 1841, and for other purposes.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the board, doing county business in the county of Ripley, to delay their confirmation or rejection of the report of the commissioners appointed by the act to which this is a supplement, to re-locate so much of the Vevay & Napoleon State road, as lies be-

tween Cross Plains and Versailles in said county, until the September term of the present year, and shall then, after a full and fair examination, be governed in their decision by the will of the majority, of those interested in the matter.

**SEC. 2.** If said board have already acted upon the matter, said action shall be considered null and void.

**SEC. 3.** So much of the act to which this is supplemental, as comes in conflict with the provisions of this act, is hereby repealed.

**SEC. 4.** Josiah Zeiger of Vermillion county be appointed a commissioner, to carry into effect the provisions of the seventeenth section of an act entitled an act relating to State roads, approved, Feb. 24, 1840.

**SEC. 5.** This act to take effect from and after its passage.

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#### CHAPTER XXXIV.

An Act to provide for a State Road therein named.

[APPROVED JANUARY 31, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That John W. Wines, of Greene county, Isaac F. Sexton and Samuel Stout, of Sullivan county, be and they are hereby appointed commissioners to view, mark, and locate a state road from John W. Wines's, in Greene county, via Allen M'Bride's, in Sullivan county, to Centreville, in Vigo county.

**SEC. 2.** The said commissioners, or any two of them, shall meet at the house of John W. Wines, in Green county, on the first Monday of March next, or as soon thereafter as they may think proper, and, after taking an oath or affirmation faithfully and impartially to discharge the duties assigned them, shall proceed to view, mark, and locate said road on the nearest and best route, commencing at or near John W. Wines's, in Greene county; thence to Allen M'Bride's, in Sullivan county; thence to Centreville, in Vigo county.

**SEC. 3.** The said commissioners shall, within thirty days, after the location of said [road,] file a report of the same in the Auditor's office in each of the counties through which said road passes; and said auditors shall lay the same before the boards doing county business, and it shall be the duty of the said boards to order so much of said road as lies within their respective counties to be opened any width not exceeding sixty feet, and made agreeably to and under the provisions of an act for opening and repairing roads and highways.

**SEC. 4.** That the boards doing county business in the counties through which said road passes shall make such allowance to said commissioners, for their services, as they shall deem just and reasonable.

This act to take effect from and after its passage.

#### CHAPTER XXXV.

An Act declaring a county road, a State road in the counties of Owen, Clay, Putnam and Clark.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That John Secrest of Owen county, Daniel Wool of Clay county, and William Wright of Putnam county, be, and they are hereby appointed commissioners to view, mark, and locate a State road from Spencer, in Owen county, to Poland in Clay county, and from thence to Manhattan, in Putnam county.

**SEC. 2.** The said commissioners, after taking an oath to discharge their respective duties, shall proceed to view, mark, and locate said road on, or as near the route of the old county road between said points, as the nature of the country will admit of, and the interest of the community may require, by the first of June next, or as soon thereafter as convenient.

**SEC. 3.** Said commissioners shall within thirty days thereafter, file a copy of their report in the Clerk's office of their respective counties, and the boards doing county business in said counties, shall at their first meeting thereafter, cause the said road to be placed under the care of supervisors, whose duty it shall be to open and keep the same in repair; and each county shall pay its proportion of the expenses hereby incurred, in proportion to the length of said road in each county.

**SEC. 4.** That the road now established from Charlestown to Bethlehem, in Clarke county, be, and the same is hereby declared a State road.

**SEC. 5.** This act to take effect and be in force from and after its passage.

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#### CHAPTER XXXVI.

An Act to incorporate the Wayne, Union and Randolph Turnpike company, and the Union and Wayne Turnpike Company.

[APPROVED, JANUARY 24, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That Jacob Smelser, Eliphilet Stancey, Caleb B. Jackson, Daniel Middlekauff, David Commons, John Jemison, Ezra Schovell, Joseph Lewis, M. M. Ray, Jas. Endsley, John Lamb, and John Harvey, of the county of Wayne, Jacob Librook, Aaron Stanley, Richard Sedgewick, William Elder, and Aaron Druly, of the county of Union, Hiram Mendenhall, Jesse Way, Littleberry Diggs, Ml. Aker, G. W. Monk, P. W. Way, David Heaston, and Moorman Way, of Randolph county (or a majority of them that may meet and organize,) and their successors in office duly elected as hereinafter provided, are hereby constituted a body corporate and politic, and by the name and style of "The Wayne, Union and Randolph Turnpike company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded,

defend and be defended, answer and be answered unto in any and all courts of justice whatever, to make and use a common seal, and the same to alter or renew at pleasure, and shall be able and capable at law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State, or the United States.

**SEC. 2.** The capital stock of said company, shall be seventy-five thousand dollars, divided into shares of twenty-five dollars each.

**SEC. 3.** The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body president; and after such organization, any five of the board shall be a quorum, but after an election for directors, it shall require a majority to form a quorum.

**SEC. 4.** The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons, necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may from time to time be made to their officers, and others in their employ; which journal shall at the close of each day's entry, (after being read to the board) be signed by the president. They may set on their own adjournments, or on the call of the president, or any two of the board; and at any time, in the absence of the president, they may appoint a president pro. tem. They shall fill all vacancies which may happen in their own body, by appointment.

**SEC. 5.** The corporation shall cause books to be opened for subscription to the capital stock, at such time and such place or places as they may think best for the interest of the company, due notice of which shall be given by publishing the same in some weekly newspaper at least twenty days before the opening of such books; and in each of which books the following entry shall be made: to wit,

"We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportions, and at such time, as the President and directors of the Wayne, Union and Randolph Turnpike Company may direct.—

Witness our hands this      day of      , 184 .

**SEC. 6.** It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any county, for the agent of any State, or of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time, and at such place or places, as the president and trustees may direct, and may be reopened at their pleasure; and they may, by an agent or agents, offer for sale in any other State, any amount of stock within the limits of this charter, upon such terms as may be by them thought advisable; and they shall have power on their own credit to borrow money on such terms as may be agreed on by the parties.

**SEC. 7.** As soon as four hundred shares are subscribed and five dollars paid on each share, it shall be the duty of the president and trustees to give at least four weeks notice in some weekly newspaper,

published in Wayne county, and at any other place, if they think it necessary; and in such notice appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of the State, which election shall be conducted by appointing two judges by the stockholders present, and clerks, if needed, to help conduct the same; and the nine persons having the highest number of votes given and publicly counted shall be declared duly elected. In all elections each share shall entitle the holder to one vote, which may be given by the person or company holding the same, or by proxy.

**SEC. 8.** It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to meet so soon thereafter as practicable, and be sworn into office by some person authorised to administer oaths; after which they shall elect one of their own body to be president, and one clerk, and they shall continue in office until the next annual election, and until their successors are duly elected and qualified.

**SEC. 9.** All elections after the first, shall be held on the first Monday in September annually, under the direction of the board, or any five stockholders not directors at the time; should the board fail to make the necessary arrangements for conducting the same; and in all annual elections of said company, the board shall give at least three weeks notice, through some weekly newspaper, setting forth the time and place such election will be holden; and in case said company shall at any annual election, fail to give notice of the same, or fail to hold such election on the day fixed on by this charter, for the holding of the same, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, directed by the by-laws of said corporation, the board giving the necessary notice thereof to the stockholders, as above provided.

**SEC. 10.** Certificates of stock shall be given to the Stockholders, which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, lawfully authorized to make any such transfer, but such stock shall at all times be holden by the corporation for any dues from the holder thereof, to the corporation at the time of such transfer.

**SEC. 11.** The president and trustees shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving thirty days notice in some weekly newspaper, printed nearest the place, where a majority of the stock is held, setting forth in such notice the amount on each share demanded, and the time and place where payment is required to be made; and should any stockholder fail or refuse to pay such requisition, within ten days after the time named for such payment, the president and trustees in the name of the corporation, may bring suit against such delinquent, for the amount due in any court of competent jurisdiction, and collect the same as other debts are collected; and if the same cannot be made on execution, or if such delinquent lives out of the State, then the president and trustees may by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall there-

by be absolutely forfeited to the corporation; and no such delinquent after the forfeiture of his, her, or their stock, shall have the right to vote at any election of said company, or receive any dividends that may be declared on such stock, unless the same shall first be by him, her, or them redeemed, which may be done in any time within ninety days from such forfeiture, by such person or persons paying into the treasury of said corporation, the full amount of the damages and costs thereon, that may have been adjudged against them; which transaction shall be fairly entered on the records of said corporation, and the person or persons restored to all the privileges of any other stockholder.

**SEC. 12.** The president and trustees may require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

**SEC. 13.** The president and trustees shall have full power, from time to time, to examine, survey, mark, and locate the route for a turnpike road, commencing in Union county, at the junction of the Fairhaven turnpike road and the line dividing Indiana and Ohio, running thence on the best ground for the interest of the corporation and convenience of the public, to the south end of Main Cross street, in the town of Centreville, in Wayne county; thence *via* Williamsburgh, in said Wayne county, to the town of Winchester, in Randolph county.

**SEC. 14.** And for the purpose of making such examination and location, it shall be lawful for the president and trustees, with their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no such materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

**SEC. 15.** It shall be lawful for the president and trustees, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may run, a relinquishment of so much of said land as may be necessary for the location and construction of said road; as also the stone, or any other materials that may be obtained on said route; and may contract for any of such materials that may be obtained on any other land near thereto; and it shall be lawful for said company to receive, by donations, gifts, grants, or bequests, lands, money, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location and for the benefit of the corporation, shall be binding and obligatory; and said corporation may have and maintain their action at law or in equity in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts shall be fully and plainly made in writing, and signed by the party making the same.

**SEC. 16.** That in all cases where any person through whose land said road may run, shall refuse to relinquish the same, or where a

contract between the parties cannot be made for the land or materials, it shall be lawful for the president and trustees to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land or materials to appear before him on a particular day, within ten days thereafter, and shall also cause to be summoned twelve disinterested persons, and cause them to come before him, who, after being legally tried and sworn as jurors, faithfully and impartially to assess the damages, if any, shall proceed to hear the testimony and view the land or materials; and, after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon in writing whether such person is entitled to damages or not, and if so, how much; which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shewn; and in case either party shew good cause why judgment should not be entered, the justice may grant a review of the same, either with or without costs: *Provided*, That either party may, at their option, appeal the same to the circuit court of the proper county, as in other cases; and such court shall appoint viewers, as above directed, who may report to that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final between the parties.

**SEC. 17.** In any case where such land or materials should belong to minors, insane persons, or persons not resident in this State, the president and trustees of said corporation shall, before filing such application with the justice, notify such persons or their legal representatives of their intentions, if they know where to find them; if not, then they shall give thirty days notice thereof by publishing the same in some weekly newspaper, particularly describing the land or materials, as the case may be, also the time and place, and the justice before whom they intend to make such application; and should no person appear by himself, or herself, or themselves, or by his, her, or their attorney, the justice shall proceed as if such person or persons had been notified to attend; and on such judgment being rendered, and the said president and trustees complying therewith, by the payment of the costs and damages awarded against them, the corporation shall be seized of the lands or materials as awarded: *Provided, however*, That at any time thereafter, before the completion of said road, should the owner or owners of such land appear, and be dissatisfied with such judgment, he, she, or they shall have the same right to appeal to the circuit court as is provided in the foregoing section of this act.

**SEC. 18.** Should it be necessary or advantageous to the location or construction of said road, the president and trustees shall have the right to lay the same along and upon any State or county road; *Provided*, That before such location shall be made, the president and trustees shall make application to the county commissioners of the proper county, who are hereby authorized to grant such privilege, which shall be done with as much convenience to the travel as they may direct.

**SEC. 19.** That when said corporation shall have procured the right of way as herein provided, they shall be seized in fee simple of the

right to such land, and shall have the sole use and occupancy of the same ; and no person, body politic or corporate, shall in any way, interfere with the rights and privileges hereby granted to this corporation ; *Provided, however,* That in case such road or any part thereof shall not be completed as above provided, then, and in that case, the land shall in all cases revert to the former owners.

**SEC. 20.** Said president and trustees shall commence the construction of said road within five years from the passage of this act, and may from time to time, construct so much thereof as may be within the ability and to the interest of the corporation ; *Provided,* That said road shall be completed within twenty years from the commencement thereof, or so far at least as to admit the travel on it, unless for good cause shown by the company, the General Assembly may grant further time.

**SEC. 21.** As soon as said company shall complete three or more miles of said road in one continuous line, the board of trustees may erect the necessary gates or bars, and charge and collect a toll from all persons or property that may travel on, or be transported along the same, the rates of which shall be from time to time regulated by the board of trustees ; also, to erect gates or bars on each additional section as the same may be finished and extended, and at all times erect the necessary gates, fences or buildings, for the preservation of the road, or accommodation of the hands they may have in their employ, and the sure collections of their tolls as the same may seem to them to be for the interest of the company : *Provided,* That they shall at all times keep posted up in some conspicuous place at all toll houses and gates on said road, in hand-bill form in print, the rates of toll charged, and other regulations as to the travel and rules to be observed by the travel on said road.

**SEC. 22.** In fixing the rate of tolls, the board shall never lay the same at such rates that they will amount in any one year to over twelve and one half per cent. on the capital invested in said road after deducting the necessary repairs and other expenses for collecting the same ; and they shall, in a book kept for that purpose, keep a correct statement of the receipts and expenditures of all moneys received and paid out by them in the construction of the road ; also, in a separate book the amount of tolls received, the amount paid out for repairs, and all other incidental expenses connected therewith ; which books shall always be open to the inspection of any of the stockholders.

**SEC. 23.** The president and trustees may make out dividends at such times as they may deem expedient, and shall at least twice in each year cause a full and fair statement of the amount of receipts and expenditures of the company up to that time, showing the loss or gain of the company from the last statement.

**SEC. 24.** If any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or any thing belonging thereto, such person or persons on conviction thereof before any court of competent jurisdiction, shall pay for the use of said corporation, twice the amount of the damage done and costs of suit.

**SEC. 25.** It shall be lawful for the boards doing county business, in the counties of Wayne, Union, and Randolph, to authorize by an order as much of the stock to be taken as they may think proper.

**SEC. 26.** The corporation may by contract admit the intersection with the turnpike road of any other turnpike, or other road, or any collateral road.

**SEC. 27.** When the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the clerks office, in each of the counties of Wayne, Union and Randolph, and from and after that it shall not be lawful for them to alter or change any part of said location.

**SEC. 28.** That if said road after its completion shall be suffered to go into decay, or be impassable for one year, (unless when the same is repairing) this charter shall be taken and considered as forfeited.

**SEC. 29.** It shall be lawful for the counties of Wayne, Union and Randolph, at any time after the period of fifty years to require said company to yield up and surrender to said counties, the said road and all the privileges hereby conferred, on giving the said company one year's notice of such intention, and on paying the said company, the value of said road, and other property connected thereto.

**SEC. 30.** That Samuel Ridenour, James R. Smith, Joel Haworth, William Clark, Archibald Estep, John L. Burgess, Archibald McManhan, George W. Hunt, Robert Long, and Elias Jarald, of Union county, and Frederick V. Snider, William Widup, Nathaniel Beall, Samuel Butler, and Jefferson Savage, of the county of Wayne, and their successors in office, duly elected and qualified in the same way and manner provided for in this act, incorporating the President and Trustees of "the Wayne, Union and Randolph turnpike company," be, and they are hereby constituted and declared a body corporate and politic, by the name and style of "the Union and Wayne turnpike company," and by such name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of competent jurisdiction, and to make and use a common seal, and the same to alter or change at pleasure, and shall be able and capable in law to make all contracts and enforce the same, and do all other acts, matters, and things in the same way and manner, and under the same rules, regulations, and restrictions, that "the Wayne, Union and Randolph turnpike company" are authorized to do and perform by the provisions of the charter by this act granted to said last mentioned company.

**SEC. 31.** That the capital stock of the Union and Wayne turnpike company, shall be fifty thousand dollars, the same to be divided into shares of twenty-five dollars each; and the directors hereby in the thirtieth section of this act appointed, or a majority of them, may meet and organize in the same way and manner, and in all things (so far as applicable) be governed by the provisions of this act, incorporating the Wayne, Union, and Randolph turnpike company.

**SEC. 32.** That the said President and trustees of the Union and

Wayne turnpike company, may at any time, after the taking effect of this act, and their organization under it, by themselves or agents, have full power and authority to examine, survey, mark, lay out, and locate, the route for a turnpike road, commencing at the junction of the state road leading from College corner, to Liberty in Union county and the line dividing Ohio and Indiana; running thence on the nearest and best route, to the centre of the two main cross streets in the town of Liberty, in said Union county; thence on the nearest and best route, to the south end of main cross street in Centreville in Wayne county; or should they think it best for the interest of the company, they may intersect the same with the Wayne, Union and Randolph turnpike road, at any point where the same passes through the counties of Wayne or Union, as the two said companies formed by this act may agree upon; and said company shall, in all other respects, have all the rights, privileges and immunities, granted by this act to the Wayne, Union and Randolph turnpike company, so far as the same can be applied, to all intents and purposes, and shall in all things be governed by the same restrictions and limitations of said charter.

SEC. 33. This act shall be in force from, and after its passage, and the Legislature reserves to itself the right to repeal or amend said charter at any time hereafter.

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## CHAPTER XXXVII.

An Act to incorporate the Muncietown and Fort Wayne railroad Company.

[APPROVED, JANUARY 18, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Goldsmith C. Gilbert, Sylvan Howard, Aaron Cecil, James Truit, William Duncan, Parker Truit, and their associates, and successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name and style of the Muncietown and Fort Wayne railroad company, and shall be able and capable in law, to sue and be sued, plead, and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice in this State, to make and use a common seal, and the same to alter or amend at pleasure, and shall be able and capable in law to make contracts and enforce the same, to make and enforce the necessary by-laws, rules, and regulations, necessary to enable them to carry into effect the provisions of this act, and the objects thereby contemplated, not inconsistent with the laws and constitution of the United States, or the State of Indiana.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, to be divided into shares of twenty-five dollars each, which may be subscribed and paid for, as hereinafter directed.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president; and after such organization, any three of the board shall be a quorum; but after an election for directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, engineers, superintendents, artists, and all other officers and servants, necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ; which journal shall from time to time be read by the board, and if found correct, shall be signed by the president. When the president is absent, they may appoint a president pro tempore. They may fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and such place or places as they may choose, due notice of which shall be given; and in each of which books the following entry shall be made:

We the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportion, and at such time, as the president and directors of the Muncietown and Fort Wayne railroad company may direct. Witness our hands, this day of 184 .

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation chooses, and may be re-opened at any time; and they may, by an agent, offer for sale in any other State any amount of stock, on such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may deem most advisable; but such requisition shall be made known by being inserted in the notice for opening the books. Any future payments of the stock shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and ten dollars paid in on each share, it shall be the duty of the corporation to give three weeks notice thereof, in one or more public newspapers, published in this State; and in such notice to appoint a time and place for the stockholders to meet and elect ten directors, who shall be stockholders; which election shall be held within three months after the last share in the two hundred shall have been subscribed for, and be conducted by two judges appointed by the stockholders present; and the person having a majority of all the votes given and counted in public shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election, and in all elections each share shall entitle the holder to one vote; and votes may be given by persons owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, or trustee, or guardian, or by the authorized

agent of any corporation, State, or of the United States, or any person having the right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as aforesaid, and those elected at all subsequent elections to meet as soon thereafter as they conveniently can, and elect one of their own body to be president. The president and directors thus elected shall continue in office until the next annual election and until their successors are elected and qualified.

SEC. 9. All elections, after the first, shall be held on the first *Monday* in October, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause, whatever, there shall be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; the same shall be signed by the president, and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or the administrator, executor, trustee or guardian; but such stock shall at all times, be helden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper printed nearest the place where the greatest portion of the stock is held, or by giving written notice to the stockholders. In all such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within fifteen days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court having competent jurisdiction, and recover the amount with interest thereon, at the rate of twenty-five per cent per annum for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent after the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid or satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance with such pen-

alties as they may deem proper, for the faithful performance of their respective duties.

SEC. 13. The corporation, by their agents, shall have power from time to time to examine, mark, survey and locate a route for a railroad, for a single or double track, as they may deem advisable, commencing at Muncietown, and ending at Fort Wayne, in the county of Allen, with full power at all times to diverge from a direct line where more favorable ground may be found for the construction of such road.

SEC. 14. And for the purpose of making such examination and location it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, or other materials, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction and location of the road, as also the stone, gravel, and timber, and other materials that may be obtained on said route, and may contract for stone, gravel, and timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or other bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of said corporation, shall be binding and obligatory; and the corporation may have their action at law in any court having competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract by the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty exists, that such facts do exist, and such justice shall thereupon summon the owner of said land to appear before him on a particular day within ten days thereafter, and shall cause to be summoned twelve disinterested persons of the neighborhood, who shall be freeholders, who shall, after taking an oath faithfully and impartially to assess the damages, if any, and view the land or materials; and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much; and they shall file such report with such justice; whereupon said jus-

tice shall enter judgment thereon, unless for good cause shewn, and in case either party can shew sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint viewers, as above directed, who may report at that or the succeeding term, in the discretion of the court; or said case may be tried by a regular jury, as other cases are tried in said court, at the option of either party; and the judgment of the circuit court shall be final.

**SEC. 17.** And in all cases where the owner or owners of such land or materials shall be minors, or insane persons, or reside out of the county where such land may be situated, such justice shall give thirty days notice of the application made and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notices, the said justice shall adjourn the same until that day two weeks, or as soon thereafter as may be, at which time he shall proceed as though such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith, the payment of costs and damages awarded against them, the corporation shall be seized of the lands or materials; and in all such cases the corporation shall be liable for all costs that may accrue thereon: *Provided*, That if the owner of the land shall not have had actual notice of the time and place of such trial, before said justice, he shall have the right, in a reasonable time after receiving actual notice of the judgment of said justice of the peace, not exceeding two months, to appeal to the circuit court of the proper county.

**SEC. 18.** That should it be found necessary or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any county or state road: *Provided, however*, That before such location is made, the corporation shall make application to the county commissioners of the proper county for such right; and said commissioners are hereby vested with power to grant the same by an order entered upon their records: *And provided, also*, That such right shall be granted on condition that the corporation shall relocate such road or roads on equally suitable ground, and cause it or them to be made equally convenient in every respect, for travel, as said road or roads were previous to relocation.

**SEC. 19.** That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to such land, and have the sole use and occupancy of the same, but not to interfere with the right of way of any railroad company, heretofore incorporated; and no person, body politic or corporate, shall in any way interfere with, molest, disturb or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

**SEC. 20.** The corporation shall commence the construction of said road, at any time within five years, and from time to time construct so much, in all or either of the counties through which said road shall pass, towards the points of termination, as may be within the ability or to the interest of the company,

and shall complete the same within twenty years from the commencement: *Provided*, That for good cause shown for its non-completion within that time, the legislature may give further time for the purpose.

**SEC. 21.** It shall be the duty of said corporation, whenever any State or county road now established, shall cross the railroad, to make and keep in repair good and sufficient cause-ways, so that the free use of said State or county road shall not be obstructed; and in all cases where any person shall own lands on both sides of said railroad, and there shall not be any cause-way for a public road, leading from one tract to the other, the owner of such land shall have the right, free from any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, That such owner of land, shall not injure or obstruct said railroad.

**SEC. 22.** It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandise, or any other kind of property; and for this purpose, the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware-houses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state of travel, although the whole is not finished; and they may charge for travel and transportation on the same, where it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

**SEC. 23.** The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of the company, and the same to change, or raise at pleasure: *Provided*, That the rates established from time to time shall be posted in some conspicuous place or places on said road.

**SEC. 24.** That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freight, that not more than fifteen per cent. per annum on the capital shall be divided, and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, may be paid over to the treasurer of State for the use of common schools; but the corporation shall not be by any laws compelled to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made; and it shall be the duty of the corporation to furnish the legislature at each session thereof, with a correct statement of the amount of expenditure, and the amount of profits after deducting all expenses; which statement shall be made under oath of the officer, whose duty it shall be to make the same.

**SEC. 25.** Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in March and September, annually, (unless the directors fix on a different day,) and paid to the several stockholders as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the net profits, after deducting expenses; and the cor-

poration may reserve such proportion of the profits, as a contingent fund to meet subsequent expenditures, as they shall deem proper.

SEC. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road or any part thereof, or break, destroy, or deface any work, edifice, device, toll or ware-house belonging thereto, such person or persons so offending, shall pay to the corporation, three times the amount of the damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. That the State reserves the right to subscribe for one thousand shares of the stock, at any time within twenty years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners of each county through which said road may pass, for and on behalf of such county, to authorize by an order, on their books a subscription for as much of the stock to be taken, as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders owning one-third of the stock may call a general meeting of the stockholders, by giving three weeks notice in one or more newspapers, and specifying in such notice the object of the call, and a majority of all the stockholders being represented, they may make such order relative to the concerns of the company as a majority may determine.

SEC. 31. The corporation may by contract admit the intersection with said road, of any other railroad, turnpike, or other road, or any collateral road.

SEC. 32. The State in time of war shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 33. Should the capital herein granted not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than four.

SEC. 34. When the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of State; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays to the owner or owners of land on said changed route, the amount of damages they may sustain by such relocation.

SEC. 35. That if said road after its completion, shall be suffered to go into decay, or be impassable for one year, unless where the same is repairing this charter shall be taken and considered as forfeited.

SEC. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandise, other

than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation under any pretence whatever, enter into banking business for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium.

SEC. 37. This charter is limited to seventy-five years in duration. And the Legislature hereby reserves to itself the power to alter, amend, or repeal, this charter at any time hereafter.

SEC. 38. This act to be in force from and after its passage.

### CHAPTER XXXVIII.

An Act to incorporate the White Water Valley Canal Company.

[APPROVED, JANUARY 20, 1842.]

WHEREAS, because of the pecuniary embarrassments of the State of Indiana, there has been an entire suspension of all operations on the White Water Canal, with a view to its completion, for about two years and a half. And, whereas, it is deemed inexpedient for the State, because of those embarrassments, to enthrall herself farther, for the purpose of prosecuting said work, at this time—And, whereas, the cost of superintendence and repair upon that portion of said Canal now finished, exceeds the entire income from both tolls and water rents, and is an annual tax upon the State Treasury, and likely to so continue, if left in its present condition—And, whereas, an immense amount of work done upon, and materials supplied for the line of said Canal, are rapidly going to destruction, and will soon be quite useless, unless said Canal is soon completed at a large additional expense—And, whereas, the great body of the people of the White Water Valley, are of the opinion that the completion of said Canal to the National road, agreeably to the original design of the State, would be of immense public utility:

THEREFORE, for the purpose of inducing the investment of private capital, for the completion of said Canal as aforesaid;

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Conwell, Thomas E. Hedrick, Samuel Jinks, Harvey Blackledge, Joel Palmer, Urban Edgerton, William Potts, of the county of Franklin; Jefferson Crisler, James Shaw, Daniel Hankins, Solomon Claypool, Abraham Conwell, George Frybarger, Henry Goodlander, Newton Claypool, George Davis, and William Port, of the county of Fayette; and Dickerson Hurst, Jno. Talbott, Robert Murphy, Henry B. Schull, Samuel T. Sharp, Ira Lackey, Solomon Meredith, Benjamin Conklin, Williams Petty, William Conwell, Sanford Lackey, John Hutchinson, William Elliott, and John Whippo, of the county of Wayne, and State of Indiana, their associates and successors, be, and they are hereby constituted and made a body politic and corporate, and shall be and remain such forever, under the name of "The White Water Valley Canal Company;" and by that name said Company may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution, in all courts having competent jurisdiction, and do

all other things legitimate for such company to do; and they are hereby invested with all the powers and privileges in any-wise necessary or expedient to carry into effect the proper business of the association.

**SEC. 2.** In consideration that said company shall, within five years from and after the first day of March next, complete said canal to the National road, at Cambridge city, in Wayne county—the State of Indiana shall, and she does hereby transfer and yield up to said company, subject to the stipulations hereafter named, her entire interest in the line of said canal, throughout the whole length thereof, from the Ohio river to the National road as aforesaid, and all her estate in, and right and title to the same, together with all the water privileges and rents, materials on hand, quarries, relinquishments, rights and rights of way, privileges and immunities of every kind, growing out of said canal, and all that in any-wise appertains to the same, and to the said State belonging, to hold and enjoy the same forever, to the proper and exclusive use, benefit and behoof of said company: *Provided, however,* That at any time after the expiration of fifteen years from and after the completion of said canal as aforesaid, the said State reserves to herself the right to resume said canal, with the privileges hereby granted, upon paying to said company the full amount of their expenditure upon the same, by way of construction; and upon taking it upon herself in the stead of said company, to comply with any leases the company may have made of water or other privileges, and with any contracts that may be then outstanding, in reference to superintendence or repairs of said canal: *Provided, further,* That from and after the expiration of said fifteen years, all the net profits of said canal and water privileges, exceeding eight per cent. on the capital stock by the company invested, shall be by the company paid into the State Treasury, within a reasonable time after the declaration of dividends, for the use of the State, and the profits which the State shall realize under this act from the said work shall be applied to the payment of the principal and interest of the public debt, contracted under the provisions of the act entitled, "an act to provide for a general system of internal improvement," approved, January 27, 1836: *Provided, further,* That at any time prior to the resumption of said canal, by the State as aforesaid, it shall be lawful for said company to forever extinguish the interest of the State in said canal, or in anywise growing out of the same, and to said net profits so as aforesaid provided, to be paid into the State Treasury, by paying to the State in her own bonds, that shall not have been repudiated at their face, or in money, the full amount by the State expended, by way of construction for right of way, and damages on said canal. *And provided, further,* That the transfer of the interest of the State in said canal as aforesaid, shall not take place until said company is fully organized, and at least four hundred thousand dollars of stock is taken, and an affidavit of the President of the company is filed with the Secretary of State, that operations have been by the company actually commenced on the line of said Canal, with a view in good faith to the vigorous prosecution of the same to completion; whereupon, proclamation of the transfer as aforesaid, shall be made by the Governor.

**SEC. 3.** That upon proclamation made as aforesaid, it shall be the duty of all officers of State, or others holding the same, upon reasonable demand made by said company, to deliver over to said company all books, maps, profiles, drawings, apparatus and instruments, field notes, accounts of surveys and memoranda of locations, with all estimates that in any way appertain to said canal: together with all

agreements, title papers and deeds, by which any property, real or personal, or any interest therein, or any relinquishment, right of way, water rent, or any other right, privilege, or immunity in any wise, appertaining to said canal, may be assured to the State, and generally, in like manner, to deliver up to said company, all things belonging to the State, in any wise appertaining to said canal, and needful for the acquisition or enjoyment of all and each of the rights hereby transferred to, and for carrying out the legitimate objects of said company. And such delivery shall vest the same absolutely in said company, agreeably to the true intent of this act.

**SEC. 4.** That said canal shall be completed as herein contemplated, upon the general plan and dimensions, and as nearly as practicable and expedient, on the precise route heretofore adopted by the State; and the said company is hereby authorized to construct the same with all the necessary and usual appendages and improvements, and with all things useful for the convenient and profitable enjoyment of said canal, and all hydraulic works desirable to connect therewith; and the said company shall be at liberty, and they are hereby clothed with the power to use the water of all streams and fountains needful for said canal: *Provided,* That said canal shall be so constructed as to admit of as cheap and easy a junction to be made therewith, as possible, without essential prejudice to the interest of said company, by any lateral canal that may be constructed down Noland's fork, from the vicinity of Centreville, and the privilege of such junction is hereby granted to whomsoever may construct such lateral canal: *Provided, further,* That the "Hagerstown Canal Company" shall at all times hereafter have the privilege of connecting their canal with the canal contemplated by this act, agreeably to the provisions of their charter: *And, provided, further,* That it shall be lawful for said company to make any change that may be deemed expedient, in the materials and mode of constructing locks, aqueducts and feeder dams, and in the line so as to feed the canal at Cambridge city, and approach the national road in the cheapest and most expedient manner: *Provided, further,* That should the Richmond and Brookville canal be completed prior to the expiration of said fifteen years named in this act, all tolls collected between the mouth of said canal and Harrison, for freight or passengers passing out of, or into the mouth of said canal in boats engaged in its regular trade, during the residue of said fifteen years shall enure to the exclusive use of the company completing the same; but the rate of tolls charged shall not be less than those charged by the White W. Valley Canal Company: *Provided, further,* That any contracts upon the White Water Canal, that may not be relinquished at the time the company hereby provided for, may be prepared to commence operations on the same, may be transferred, modified, or prosecuted to completion agreeably to the provisions of the contracts, as may be by the contractors respectively, and the company agreed upon; said company being responsible to the contractors for all work hereafter done, the same as the State would have been had he resumed operations; but said company shall in no case be required to com-

ply with any such existing contract, unless the contractor will take of the stock of said company to an amount equal to the one-third part of the sum yet required to complete any such contract, and said company hereby guarantees the State against any damages from said contractors.

SEC. 5. That for the purpose of assuring to said company all lands, real estate, waters, and materials requisite for the most economically constructing and maintaining said canal and works connected therewith, and incident and necessary to the navigation of the same, whenever the said lands, waters, and materials shall not be obtained by voluntary donation or fair purchase, it shall be lawful for said company by any of their officers, and by each and every agent, superintendent or engineer by them employed, to enter upon and take possession of, and use all such lands, real estate and water as shall be necessary for the purposes aforesaid; and also to enter upon and take all necessary materials for the construction of said canal and other works connected therewith, adjoining or near said canal or other works on whose lands soever they may be, and not otherwise taken and appropriated by the owner to any special use; doing thereby no unnecessary damage, they satisfying and paying all damages which may be occasioned thereby to any person or persons in the manner hereinafter provided.

SEC. 6. That if at any time any unexpected obstacles, impediments or inconveniences occur on the route of said canal or any of its feeders, said company shall have the power to deviate from the course and location marked out, so far and in such manner as may be best calculated to surmount or avoid such obstacles or inconveniences; said company satisfying all damage occasioned thereby in the manner hereafter provided.

SEC. 7. That said company be, and they are hereby authorized and empowered to purchase and hold to them and their successors forever, real and personal estate to any amount necessary for constructing, maintaining and repairing said canal, and the works connected therewith; and may receive, hold and take all voluntary grants and donations of land and real estate, which shall be made to aid the objects of said company, and may also erect mills, machinery and any other hydraulic works on said canals, feeders and reservoirs; and whenever in any of the ways aforesaid, said company shall become possessed of any lands or real estate, which it may be necessary for them to retain for the purposes aforesaid, it shall be lawful for them to lease, occupy, alien and convey the same, by lease or deed, with their seal affixed thereto: *Provided, however,* That all lands and estates belonging to said company, necessary for the navigation of said canal, and for maintaining and repairing the same, and the works connected therewith, shall be held by said company and applied to and for the aforesaid purposes: *Provided, further,* That said company may at any time take any conveyance of real or personal estate, to any amount that may be deemed expedient, whenever it may become advisable to do so for the purpose of securing any debt or demand in favor of said company; but any property so taken, if not needed for the legitimate

purposes of the company, shall be by the company absolutely disposed of, within five years from the time of being possessed of the same.

SEC. 8. That it shall be lawful for said company, from time to time, to fix, regulate and receive the tolls and charges by them made receivable, for the passage of all boats or other craft, and for the transportation of all property or persons, on said canal: *Provided,* That the rates of tolls established from time to time, shall be posted up in conspicuous places at convenient points on said canal.

SEC. 9. That said company shall have power, from time to time, to make and ordain all needful by-laws, rules and regulations, touching their business; and the penalties provided by said by-laws, rules or regulations, may be sued for and recovered by said company, to their own use and benefit, before any court of competent jurisdiction; which penalties shall in no case exceed the sum of ten dollars; and said company shall cause said by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll house; and if any person or persons shall wilfully mar, deface or pull down any copy so set up, said company may sue for and recover to their own use, a sum not exceeding ten dollars nor less than five dollars, of such person or persons; and on the trial of all suits and prosecutions, brought by said company, for any cause whatever, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed; but no common law ground of defence when made to appear, shall, by any thing herein contained, be construed to have been taken away.

SEC. 10. That if any person or persons shall wilfully obstruct the water or navigation, remove, or in any way spoil, injure or destroy said canal, its branches, feeders or reservoirs, or any part thereof, or any thing belonging thereto, or any materials to be used in the construction or for the repair thereof, such person or persons, or any person or persons, assisting, aiding or abetting in such trespass, shall forfeit and pay to said company, treble the amount of damages sustained by means of such offence or injury, to be sued for and recovered with costs of suit, by action of debt in any court having competent jurisdiction.

SEC. 11. That whenever any lands, water or materials shall be taken for the construction of said canal, or any of its feeders, or works connected therewith, and the same shall not be given or granted to said company, and the proprietor or proprietors do not agree with said company as to the compensation to be paid therefor, it shall be lawful for the person or persons claiming compensation as aforesaid, to select for themselves one arbitrator, and said company shall select another, and the two thus selected shall take to themselves a third, who shall award as arbitrators between the parties, and report the result of their award in writing, to the Secretary of said company, who shall enter the same at full length with the other proceedings properly appertaining to said arbitration, in books of said company; and from any such award either party may appeal to the

Circuit Court having jurisdiction thereof; and such appeals shall in all things be governed by the laws regulating appeals from justices of the peace, regarding said secretary as the justice for all purposes of appeal; and in all cases when compensation shall be claimed for lands or waters, it shall be the duty of the arbitrators or the court or jury trying the case, to estimate any advantage which the location and establishment of said Canal may be to the person or persons claiming such compensation; and such advantage shall be set off against the compensation so claimed of said company; and said appeal, when taken and filed in the court, shall be by the clerk docketed, and the person or persons claiming the compensation shall be set down as the plaintiff, and the company the defendant.

**SEC. 12.** It shall be the duty of said company to construct suitable and convenient bridges over said canal and its feeders at all places where they may cross any existing state or county road, or streets of towns, which at the time of constructing the same shall be opened and used as such, without unnecessary delay; and the said canal when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all persons, goods, commodities and produce whatsoever, on payment of the tolls and charges imposed by said company agreeably to the provisions of this act; and no other toll or tax whatever for the use of said canal and the works thereon erected, shall at any time hereafter be imposed, but by the consent of the State; and in all cases where any road or public highway is so located as that said canal or any of its feeders or tributaries cannot be judiciously laid out and made without interfering therewith, it shall be lawful for said company to cause said road or highway to be so altered as that said canal and other works may be laid out and constructed on the most advantageous site of ground: *Provided*, That said company shall cause such road or highway, thus altered, to be put in as good repair as the old one was, at the time of removing the same, at their own cost, and before shutting up or obstructing said highway; and to do so, all requisite power is hereby granted to said company.

**SEC. 13.** The capital stock of said company shall consist of five hundred thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be necessary either for the construction of said canal and the appendages needful for the enjoyment of the same, or for the construction of mills, machinery, or other manufacturing establishments, requisite or expedient for the full and profitable use of the hydraulic privileges growing out of said canal, or for keeping up, maintaining, and carrying on, such hydraulic works; said stock shall be divided into shares of fifty dollars each, and may be taken by individuals, companies, corporations, counties, or states, to be paid for in such way and manner, and at such times and places, as shall by said company be prescribed.

**SEC. 14.** The persons named in the first section of this act, or any nine of them, (some of which shall be of each of the counties of Franklin, Fayette, and Wayne,) shall be commissioners whose duty it shall

be, as soon as may be convenient or expedient after the passage of this act, to meet at Connersville, in said county of Fayette, and designate some suitable places for the opening of books, and [cause] the same to be duly opened for subscription of the capital stock of said company. Thirty days notice at least shall be given by said commissioners, of the times and places of opening said books, by publication in such newspapers as may be deemed expedient, either in or out of the State. The books of subscription shall be kept open so long as said commissioners may deem expedient; and five dollars on each share subscribed, shall be paid to the commissioners before the election of the first board of directors. Should there be a surplus of stock subscribed, said commissioners are empowered to make the requisite reductions, except that no subscription shall be reduced to less than ten shares.

**SEC. 15.** That as soon as four hundred thousand dollars of capital stock shall have been subscribed, the said commissioners shall fix the time for a meeting of the stockholders at Connersville aforesaid, thirty days notice, at least, of such meeting having been given, to elect nine directors, each of whom shall be a stockholder to the amount of at least five shares. Said directors shall hold their offices for one year, and until their successors shall be chosen, as hereinafter provided for. The said commissioners shall be inspectors of the first election of directors, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books and moneys received. At said election, and at all subsequent elections, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty; one vote on every three shares above thirty up to sixty; one vote on every four shares above sixty up to one hundred; and one vote on every five shares above one hundred; but no individual, company, corporation, county, or state, shall have more than one hundred votes.

**SEC. 16.** That the directors which shall be chosen at such first election, and at each annual election thereafter, shall, before entering on the duties of their office, take an oath or affirmation faithfully and diligently to perform the duties of the same to the best of their abilities; and shall also, at their first meeting, choose one of their number to be president, who shall preside until the next annual election thereafter, and until another president shall be chosen. In case of the death, resignation, or removal from the State of the president, or the death, resignation, or abandonment of the duties of his office of any director, such vacancy may be filled for the remainder of the term by the board of directors. They shall also appoint a secretary and a treasurer, determine their salaries, prescribe their duties, and require such security from the latter as they may deem expedient. A majority of the directors shall constitute a board for every purpose within the provisions of this act. Every election of directors after the first, shall be held on the first Monday of January in each and every year, and at the town aforesaid, after notice as aforesaid, and they shall hold their offices for one year, and until their successors are chosen and qualified.

Every such election shall be held under the inspection of three or more stockholders in said company, not being directors, to be previously appointed by the board of directors for that purpose. Any stockholder not personally present may vote by proxy: such proxy being granted in writing directly to the person representing him at such election.

**SEC. 17.** That in case it should at any time happen that the election of directors shall not be made on any day when pursuant to this act it ought to be made, the said company shall not for that cause be deemed to be dissolved, but such election may be held at any other time directed by the by-laws of said company. And all the regular official doings of said president and directors, not inconsistent with this charter and the rules and by-laws established under the same, shall in all cases be deemed the doings of the company, and for ever be held valid as such; and the signature of said president, attested by the secretary of the company, shall in all cases be deemed and taken as full evidence and authentication of such doings, except in such cases as, by the rules of the company, may be required to be authenticated by their seal.

**SEC. 18.** The president and directors of said company, or any agent of theirs, thereunto by them lawfully authorised, shall have full power to negotiate any loan or loans that may be by said company deemed expedient for carrying out any or all of the objects contemplated by this act; and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which bonds, when signed by the president and attested by the secretary of the company, and by the company duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company, in the order of their issue, and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal, agreeably to contract.

**SEC. 19.** That each stockholder shall be bound to pay annually any sum not exceeding one-fourth of the amount of his stock subscribed, in such way and in such funds, services, obligations or articles of value, as said president and directors may deem it expedient to require, by giving at least sixty days notice of the time, place and mode of payment, in some public newspaper of general circulation; but no assessment shall ever be made so as to render any subscriber liable to pay more than fifty dollars for a share. And at all times whenever a larger sum than four hundred thousand dollars shall be needed for the purposes of said company, the president and directors, or the duly constituted agent or agents of the company, may raise the necessary funds by creating and selling additional shares in such manner and upon such terms as the company may prescribe, and the holders of such additional shares shall thence forward be members of said company for all purposes.

**SEC. 20.** That if any subscriber shall neglect to pay his subscription, or any instalment or portion thereof, for the space of thirty days after he is required so to do, by the said company, notice having been given as required by this act, the treasurer of the company or any other person duly authorized for that purpose, may make sale of said share or shares at public auc-

tion, to the highest bidder therefor, giving at least thirty days notice thereof, in some public newspaper in general circulation, and the same shall be transferred by the treasurer in the manner hereinafter provided to the purchaser, and said delinquent subscriber shall be entitled to the overplus, if the same shall be sold for more than the amount so remaining due, after deducting the cost of sale, and in case of a deficit after the sale of the stock of such delinquent subscriber, it shall be lawful to collect the same according to law as other debts.

**SEC. 21.** The stock of said company shall be personal property, and shall be transferable according to the rules and by-laws of the company; and such certificates of stock taken, and receipts for instalments paid, shall be given, as to the company may seem most expedient, and said company shall, on the first Mondays in July and January in each year, after the completion of said canal, declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, deducting such sums as may be deemed expedient because of outstanding debts, and the necessary current and contingent expenses, and they shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

**SEC. 22.** That said company shall be entitled to the benefit of all laws, should they desire it, which are or shall be in force, for the collection of tolls, or for the protection of any canals constructed by this State, so far as such laws shall be necessary to ensure the collection of tolls, or for the protection of the canal and other property, which the company may lawfully hold within the limits of this State, in order more fully to carry into effect the provisions of this act; and in any suit instituted against said company, the service of legal process on the president or on the treasurer, or secretary of said company, shall be held in all courts and places, a sufficient service on said company.

**SEC. 23.** That for the purpose of enabling the stockholders to ascertain the cost and profit of said canal and all works and investments of said company connected therewith, plain and accurate accounts of all the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall be at all times subject to the inspection of the General Assembly, or of any committee or agent by the General Assembly created for that purpose, and by said stockholders, whenever any two of them shall apply at the same time for such inspection.

**SEC. 24.** This act shall be in force from and after its passage, and the charter hereby created may at any time be amended, revised or repealed by any subsequent legislature, a majority of both Houses concurring therein: *Provided, however,* That should this act be at any time repealed, the repealing act shall not take effect until the State re-pays the company the full amount of the stock by them invested, and should said repeal be prior to the expiration of said fifteen years, then interest shall be allowed on said re-payment, at the rate of six per cent. per annum, from the time of the investment; but any profits that the company may have realized, shall be reckoned on account of said interest, so far as such profits may go. And no amendment shall be made to this act, prior to the expiration of said fifteen years, that will in anywise diminish the profits of the company upon the stock by them invested, nor afterwards so as to diminish said eight per cent. upon the same: *Provided, however,* That said company shall be bound to keep said White Water canal in repair, and furnish the water for all water power, sold by the State on said canal, from the Ohio river to the point of completion.

## CHAPTER XXXIX.

An Act to amend an act, entitled "an act to incorporate the trustees of Daviess county Seminary.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That there shall be elected by the board of county commissioners, of Daviess county, at their March term in 1842, three trustees for the county seminary in said county. Said trustees when elected, to be devided by said board into three classes; the first class to serve one year, from and after the first day of April, 1842; the second two years from the day aforesaid; and the third three years from and after the day aforesaid, and until their successors are duly elected and qualified; said board to elect a treasurer annually.

**SEC. 2.** The board of county commissioners aforesaid, shall annually thereafter, at their March term, elect one trustee, who shall serve for the term of three years; but should any vacancy occur in said trustees by death, resignation, or otherwise, the board of county commissioners shall, on being notified of the same, proceed to fill the vacancy for the unexpired term thereof.

**SEC. 3.** The trustees as provided for in the first section of this act, so soon as qualified, shall constitute the trustees of the Daviess county Seminary, in the same manner, with the same powers, and the same name, and they are hereby required to perform the same duties, as the trustees appointed by the act, approved, Febuary 10, 1841; and they are hereby empowered to receive all the books, papers, moneys or effects from those who preceded them, whose duty it shall be to deliver the same on demand.

**SEC. 4.** The aforesaid trustees shall semi-annually make out detailed reports of all their proceedings, and submit the same to the board of county commissioners. So much of the act to which this is an amendment, as is inconsistent with the provisions of this act, is hereby repealed.

**SEC. 5.** This act to take effect and be in force from and after its passage.

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## CHAPTER XL.

An Act to incorporate the Peru Bridge Company.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body politic and corporate by the name and style of the Peru Bridge Company, and by that name shall be capable of holding real estate sufficient for carrying into effect the provisions of this act, and of suing and being sued, defending and being defended in law and in equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and

regulations, not repugnant to the constitution and laws of this State, or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

**SEC. 2.** The capital stock of said corporation shall be fifteen thousand dollars, divided into shares of twenty-five dollars, each.

**SEC. 3.** That Carlton R. Tracey, Zachariah W. Pendleton, Albert Cole, Richard L. Britton, Benjamin Henton, John S. Twells and Henry Zern be commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday of September, 1842, and said commissioners shall appoint one of their number to keep said books and receive subscriptions.

**SEC. 4.** Whenever two hundred shares of the stock of said corporation shall be subscribed the commissioners shall cause an advertisement to be inserted in some public newspaper printed in that section of the State, giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors and at the time and place appointed, the stockholders shall choose seven directors, being stockholders of said corporation, who shall serve one year, and until their successors are chosen and qualified into office; a majority of whom shall constitute a quorum to transact business. And said directors shall severally previous to entering on the duties of their office, take an oath or affirmation that they will faithfully and to the best of their abilities discharge their duties as such directors. An annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint. The directors thus chosen shall as soon thereafter as practicable choose one of their own body as president, and also appoint a secretary and such other officers as may be necessary: *Provided*, That should the stockholders neglect or fail at any annual election to elect directors the corporation, on that account shall not be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office, until their successors are chosen by the stockholders.

**SEC. 5.** The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty-five per cent. of the amount of stock every six months, by giving thirty days notice in some public paper printed in that section of the State, or by giving written notice to the stockholders, stating the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction and recover the amount with two per cent. a month interest thereon from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the State, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The said corporation may erect a bridge across the Wabash river at the southern termination of Broadway street in the town of Peru, in the county of Miami; and the said corporation shall have, and may use the writ of *ad quod damnum*, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary cause-ways.

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of the bridge, and demand and receive a toll not exceeding the following rates, to wit: Every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox attached to the carriage, six and one-fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon or cart, sleigh, sled or cutter, drawn by one horse, eighteen and three-fourths cents; for every cart, sleigh or sled, drawn by two horses or oxen, twenty-five cents; for each horse and rider, twelve and one-half cents; for each horse, mule or ass, six and one-fourth cents; for each head of neat cattle, three cents; for every sheep or hog, two cents; for every foot passenger, six and one-fourth cents; and in analogous portions of the foregoing rates for any other animals and carriages; but all funeral processions shall be exempt from paying toll.

SEC. 8. That if any person shall wilfully impair or injure said bridge, he, she or they, so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit, to be recovered on conviction thereof, before any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate, or shall use any deceit or artifice to pass the same, without having paid the legal toll, he shall for every such offence forfeit and pay to said corporation eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive and demand more than the legal toll, he shall for every such offence, forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace, to the use of the person unreasonably delayed, hindered, or defrauded.

SEC. 11. The said bridge shall be built not less than twenty-five feet wide, and shall be well secured by a railing on each side, not less than four feet high.

SEC. 12. If said bridge shall not be constructed within seven years from the passage of this act, [then the same] to be null and void, otherwise to remain in full force and virtue, for the term of sixty years.

SEC. 13. The navigation of the Wabash river, shall be preserved free from obstructions, and the bridge shall be built of sufficient height to admit loaded boats to pass under.

SEC. 14. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, they shall be signed by the president, and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally or by an agent or attorney, duly authorized for

that purpose; but such stock shall at all times be helden by the corporation, for any debts due from the holders thereof to the corporation.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation, to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent, the directors may appoint a president *pro tem.*

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote, either in person, or by proxy, under such regulations as may be prescribed by the stockholders, according to the following scale, to-wit: for each share, not exceeding ten shares, one vote; for every two shares over ten and under twenty, one vote; for every five shares over twenty and under forty, one vote; and for every ten shares above forty, one vote.

SEC. 17. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the net profits, after deducting all expenses.

SEC. 18. In case the corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation, to any amount not exceeding twenty-five thousand dollars.

SEC. 19. This act and every thing herein contained is limited to sixty years, and to take effect and be in force from and after its passage, and shall be subject to repeal, or amendment, at the pleasure of the legislature.

## CHAPTER XLI.

An Act to incorporate the White river Manufacturing company, in Daviess and Knox counties.

[APPROVED, JANUARY 22, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Warner, George Kauffman, John Law, and John Wise, and all whom they may associate with them as stockholders, as hereinafter provided, shall constitute a body corporate and politic, under the name and style of the White river Manufacturing Company, and by that name to have perpetual succession, and the capacity to sue and be sued in any court of this State, with power to make and use a common seal, and authority to do all acts and things for the furtherance of the objects of the corporation, not contrary to the constitution and laws of this State, or of the United States.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, but may be extended to fifty thousand dollars, in shares of fifty dollars

each, but it shall be lawful for said company to commence business so soon as five thousand dollars shall have been paid in.

**SEC. 3.** The said company shall have power to take any quantity of water they can procure, from the west fork of White river at the falls, near Maysville in Daviess county, by constructing a dam across said falls, not to exceed six feet in height: *Provided*, That they construct a good and sufficient lock or chute, so as not to obstruct the navigation of said stream: *And provided, also*, That they keep said lock or chute always in good repair for the passage of boats.

**SEC. 4.** Books for subscription of stock shall be opened under the direction of the persons named in the first section of this act, or such other person or persons, as they may direct or appoint at any place they may designate, and continue open until the necessary amount of stock is subscribed.

**SEC. 5.** Each and every stockholder, when he subscribes for stock, shall pay to the person or persons, authorized to receive subscriptions, five dollars on each share subscribed for, on the payment of which, the person or persons authorized to receive subscriptions, shall issue to him certificates of stock, which shall be evidence of the stock so held. The stock shall be transferable on the books of the corporation only.

**SEC. 6.** That so soon as the amount of capital named in the second section of this act, may be subscribed, and the amount on each share paid in, as herein before provided, the person or persons so opening the books of subscription, shall give at least thirty days notice, in some newspaper published in Washington, or Vincennes, of the time and place at which the stockholders shall meet, and hold an election for directors, to manage and direct the business of the corporation, and the votes may be given in person, or by proxy.

**SEC. 7.** The said stockholders, when assembled, shall elect three directors, to serve for the term of one year, or until their successors are elected and duly qualified; and no person shall be a director unless he be a stockholder. Said directors, when elected, shall choose from among themselves a president; and in case of a vacancy in the office, the remaining directors may fill the same by appointment until the next election thereafter. They shall also have power to fill all vacancies in their own body, and choose one clerk and treasurer, whose liabilities to said company as well as their tenure of office, shall be governed by said directors. All elections shall be by ballot, and each share shall entitle the holder thereof to one vote.

**SEC. 8.** The directors shall, within thirty days after their election, give notice to the stockholders at what time the instalments shall be paid on their stock; but they shall not require more than one half of said stock in one year: And if any subscriber shall fail to pay up his instalment as herein provided, he shall forfeit the stock and amount paid by him to the company.

**SEC. 9.** The said company shall have power to purchase and hold in fee simple any quantity of land on each side of the river at said falls, not exceeding two hundred acres; and also power to construct mills or machinery of any description whatever, for the purpose of manufacturing any and all things they may think proper; and also to sell or convey any water power they please to other companies or individuals.

**SEC. 10.** The legislature reserves the right to amend or repeal this act of incorporation at any time hereafter, or any part thereof.

**SEC. 11.** This act to take effect and be in force from and after its passage.

## CHAPTER XLII.

An Act to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

[APPROVED JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That from and after the adoption of this act, as herein provided, no person shall be entitled to vote at any charter election who does not produce a receipt from the proper officer for the payment of all taxes that may have been levied within twelve months preceding such election, if such tax or taxes are charged against him: *Provided*, That the common council may, in their discretion, direct their clerk to give a certificate to any individual, that he has been improperly charged, or that he is physically unable to labor.

**SEC. 2.** That from and after the adoption of this act, as hereinafter provided, it shall be lawful for the common council to erect or cause to be erected a house of correction and workhouse, or either of them, and authorise the mayor, on the failure of any person to pay or replevy any fine that may be entered against him for the violation of any ordinance, by-law, or other police regulation, to commit the delinquent to such house of correction or work-house until the fine and costs and accruing costs are paid or secured; and the common council shall have power to appoint such officers and make such regulations for the government of said house of correction or workhouse, or of persons who may be committed thereto as they may deem necessary or useful. And until such workhouse or house of correction is established, the common council may authorise the mayor, on failure or refusal to pay or secure any fine, and costs, to require such delinquent to perform an amount of labor equivalent in value to the said fine and costs, using such means to prevent his escape as may be deemed necessary.

**SEC. 3.** That from and after the adoption of this act as hereinafter provided, no appeal shall be had by any person convicted of any violation of any ordinance, by-law, or police regulation, if the cause is tried by a jury, and the jury demanded by the defendant. And in all cases when an appeal is taken from the decision of the mayor, he may recognize witnesses on behalf of the city, and require them to give security each in the amount of the fine and costs for their ap-

pearance at the first succeeding term of the court to which the appeal is taken.

SEC. 4. For the purpose of revenue, the common council shall, from and after the adoption of this act as hereinafter provided, levy an *ad valorem* tax on all real and personal property, including merchandise, household furniture (excepting one hundred dollars worth) bank stock, insurance stock, horses, pleasure carriages, and all other personal property; and for the purpose of ascertaining the amount and value of such personal property, or a sum total of all such property, the lister may require each and every person liable to pay a corporation tax, to give him a list of his personal property liable to taxation, or the sum total of the value thereof, either of which shall be given under oath, and the said lister is hereby authorized to administer said oath.

SEC. 5. After the second Monday in April and before the first Monday in May of each year, the common council may appoint a lister in each ward, who shall take an oath faithfully to discharge the duties required of him, and shall further give security for the faithful discharge of his duty.

SEC. 6. It shall be the duty of the lister in each ward, if such shall be appointed, to proceed forthwith to make out a list of all such persons and property as he may be directed to list in his ward; which list shall be completed by the second Monday in June, and the said listers, after completing their several lists, shall meet at some suitable place as a board of equalization, and make from their several lists one list, which shall be made out as far as practicable in alphabetical order, setting opposite each man's name the lot or lots, or parcels of ground with which he may be listed (particularly describing it or them) and the value thereof, including the improvements thereon, as also the polls and personal property or the value thereof, and shall calculate and carry out the amount of tax charged thereon according to the rate established against each lot or lots, poll, or personal property, and return said list so made out to the common council, or the clerk of said corporation, by the first Monday in July of each year.

SEC. 7. In case of the death or inability from any other cause, of any ward lister, or if on the meeting of the board of equalization, any of the lists shall be made so incorrectly as to make it necessary to re-list, the common council may appoint another lister, who shall return his list within fourteen days from the time of his appointment, and the board of equalization shall again assemble and examine and compare said list, and to the best of their judgment place the property so listed on an equality with the property before listed in the other wards.

SEC. 8. After the first Monday in July and before the first Monday in August annually, the common council shall cause their clerk, or some other competent person, to make out a full, fair and complete copy and transcript of said list, or so much thereof as shall have been completed, which shall forthwith be delivered to the collector; and the said collector shall make return of his doings by the first Monday

in March next succeeding, and all real property on which a tax has been levied and remains unpaid on the first Monday in February annually, shall be advertised in the first paper issued in the city thereafter, to be sold or so much thereof as will pay the taxes due and unpaid thereon in twenty days from the date of the advertisement.

SEC. 9. Should any person feel aggrieved by the valuation placed upon his lot or land by the board of equalization, he may apply to the common council for redress at any regular meeting thereof before the second Monday in December and not afterwards.

SEC. 10. In all cases where any tax remains unpaid on the first Monday in January annually, it may be made by distress and sale of either real or personal property after giving the notice required in the ninth section, together with ten per cent. on the amount thereof.

SEC. 11. This act to take effect and be in force from and after its acceptance as provided in the section of this act: *Provided, however,* That this act shall not be in force until a majority of the qualified voters within the incorporated limits of the city of Madison shall declare their assent or dissent to the same, and for the purpose of enabling them so to do, the corporate authorities of said city shall cause to be opened at each ward in said city, at their annual city election in April next, a poll book, in one column of which shall be entered the assent of each voter to the acceptance of this act, and in case a majority of the voters of said city shall at said election vote in favor of this act, then and in that case the same is hereby declared to be in full force, and if on the contrary a majority of such voters shall vote against the adoption and operation of this act, then and in that case the same is hereby declared null and void and [of] none effect. The corporate authorities of said city shall cause the foregoing act to be printed in one or more of the public newspapers of said city for four weeks successively, before the first day of April, 1842.

## CHAPTER XLIII.

An Act to amend the several acts now in force incorporating the Lawrenceburgh Bridge Company.

[APPROVED, JANUARY 13, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the capital stock of said company shall be twenty-five thousand dollars as contemplated by said acts of incorporation, and that the word "hundred" in the first section of an act entitled "an act to amend an act to incorporate the Lawrenceburgh Bridge Company, approved February 15, 1841," is hereby declared a misprint.

SEC. 2. The title of an act to amend an act entitled an act to incorporate the Lawrenceburgh Bridge Company, approved January 24,

1837, approved February 15, 1841, is so amended that it shall read January 24, 1831. The figure 7 is declared a misprint.

This act to be in force from and after its passage.

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## CHAPTER XLIV.

An Act to repeal an act entitled "an act to amend an act entitled an act incorporating a seminary in the county of Gibson, and for other purposes," approved February 13th, 1841.

[APPROVED, JANUARY 6, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the above recited act as relates to the seminary of the county of Orange be, and the same is hereby repealed, and the said seminary of the county of Orange shall hereafter be governed as though such act had not been passed.

**SEC. 2.** This act to take effect and be in force from and after its passage.

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## CHAPTER XLV.

An Act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Bernard Weise, Charles Heberhert, Jacob Grebe, Anthony Ott, Philip Gantzsch and Daniel Schnider and their associates be, and they are hereby constituted a body politic and corporate, with power of perpetual succession, to be known by the name of "The Evangelical Lutheran and Reformed Church of the city of Madison," and by that name shall have power to sue and be sued; to form a constitution, and adopt rules, regulations and by-laws, and the same to alter or abrogate at pleasure; to make and use a common seal; to have and hold real property to the value of ten thousand dollars, (exclusive of improvements,) and personal property to such an amount as the conveniences or exigencies of the society may require; and to do and perform all other acts and things necessary to carry this act into full and complete effect.

**SEC. 2.** The persons named in this act, shall act as trustees of said society, until said society shall adopt rules and regulations for their government, and provide for the election or appointment of such officers as they may choose.

This act to be in force from and after its passage, and subject to repeal or amendment at any time.

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## CHAPTER XLVI.

An Act to amend an act entitled "an act amendatory to the charter of Michigan city," approved, February 15, 1841.

[APPROVED, JANUARY 22, 1842.]

**SEC 1.** *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, whenever the common council of Michigan city, shall determine to raise a tax in said city, for corporation purposes, they shall fix and determine the amount of poll tax to be assessed upon persons, liable to the payment thereof, for said year, which tax shall not be less than fifty cents, nor more than one dollar, in any one year.

**SEC. 2.** That the thirty-seventh section of the act to which this is an amendment, and so much of the twenty-second section of said act, as comes within the purview of this act, be, and the same are hereby repealed.

**SEC. 3.** This act to take effect and be in force from and after its passage, and is subject to amendment or repeal at the pleasure of the legislature.

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## CHAPTER XLVII.

An Act to amend an act entitled "an act to incorporate the Orange Guards."

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the privileges of an act entitled "an act to incorporate the Orange Guards," be, and the same are hereby extended to persons residing in Lawrence county, south of White river, who shall in every respect, be subject to said act of incorporation, as if they resided in Orange county.

**SEC. 2.** If the board of assessment should from any cause whatever, fail to meet at the time and place, as provided by the act to which this is amendatory, then, and in that case, the captain or other officer in command, shall convene said board any time thereafter, giving at least ten days notice thereof, in some paper or papers, circulating in the counties of Orange and Law-

rence, or by written notices posted up at the most public places within the limits of said company.

SEC. 3. All laws, and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

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## CHAPTER XLVIII.

An Act to incorporate the Michigan City Band.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Orrin Gould, William G. Garner, Lyman Blair, Truman Best, Abel D. Porter, John Cottam, Asa Harper, Jesse Harper, Leonard Quick, Henry Quick, William McAllen, George Voice, John Holiday, Harrison Jewell, Daniel Hatch, R. D. Pulford, and Simon J. Ritler, of the county of Laporte, and State of Indiana, and their associates and successors be, and they are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Michigan City Band," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any and all courts of law or equity, or before any justice of the peace, and to create and elect or appoint their officers, and invest them with such powers, and impose upon them such duties as they shall by by-law ordain: *Provided*, That in all elections a majority of all the votes given shall be necessary to a choice, and that no person shall hold more than one office at the same time, except those of secretary and treasurer, which may be held by the same person.

SEC. 2. Said company shall within one year after the passage of this act proceed to establish such constitution, by-laws, rules and regulations as they may deem necessary for the effective organization of said corporation, and the same to alter, amend, or repeal at any regular meeting of said company.

SEC. 3. Said company shall have power to pass by-laws, to compel the attendance of members, and to levy a fine not exceeding one dollar for a violation thereof, and the same to collect before any justice of the peace, or court of competent jurisdiction.

To regulate and prescribe the terms of admission and dismissal of members to and from said company.

To provide by by-law, that no member shall sell his interest in said company, until he shall first offer the same to said band at a fair and reasonable price; and that the person purchasing the same, shall not be entitled to the benefits and privileges thereof, until he is first regularly admitted a member according to the by-laws of said company.

To levy a tax upon its members not exceeding ten dollars each, in any one year, for the purpose of defraying the expenses of said company, and the same to collect before any justice of the peace, or court of competent jurisdiction.

To purchase all such instruments as may be directed by a vote of two-thirds of the members thereof, and to levy and collect of its members a *pro rata* tax sufficient in amount to pay for the same.

To employ such teacher or teachers, and at such salary or salaries, as shall be directed by a vote of two-thirds of the members; which salary or salaries, shall be paid by a *pro rata* tax to be assessed and collected of the members of said company.

To purchase, receive by donation, and hold personal and real estate for the use of said company, not to exceed in value the sum of five thousand dollars.

To erect, purchase, lease, and hold a building or buildings for said company to hold their meetings in.

To receive subscriptions for the use of said company, and the same to collect before any justice of the peace, or other court of competent jurisdiction.

SEC. 4. All meetings shall be considered regular when two-thirds of the members are present, whether held at the regular time or not.

SEC. 5. The books of said company shall be *prima facie* evidence in all courts and places of the facts therein stated, and the same may be proved by any member of said company.

SEC. 6. This act shall be a public act and be favorably construed in all courts and places, and shall be in force from and after its passage.

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## CHAPTER XLIX.

An Act to incorporate the Franklin Turnpike company.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Wilson, William Seal, James Samuels, Isaac Wamsley, John Wynn, Jno. [A.] Matson and Abraham Boyd, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "The Franklin Turnpike company," shall be able and capable in law and equity, to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure; and shall be able in law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, regulations, and rules, to enable

them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said corporation, shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization, any five of said body shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment; which journal and proceedings shall from time to time, be signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president, pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and places as they may choose, due notice of which shall be given in some public newspaper in this State; in each of which books the following entry shall be made:

"We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportions, and at such times, as the president and directors of the Franklin Turnpike company may direct. Witness our hands, this      day of

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock; and the said corporation may by an agent offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power upon their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known on the notice for opening the books; and any future payments on the stock, shall be under the control of the corporation.

SEC. 7. As soon as four hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in some newspaper in this State; and in such notice, appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present; and the persons having the highest number of votes shall be declared duly elected; in all elections, each share, from one to five, shall entitle the holder to one vote, and every additional five shares, one vote<sup>only</sup>; to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, trustee, or guardian, or by the agent of any corporation; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at subsequent elections, to elect one of their body to be president.

The president and directors thus elected, shall continue in office, until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first, shall be held on the first Monday of January, annually, under the direction of the stockholders present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk. The stock shall be transferred on the books of the corporation only, or by the agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall be at all times helden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five per cent., every six months, as they may think proper; to be paid at such time and place as they may designate, by giving sixty days notice in some newspaper of this State, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with two per cent. interest thereon per month; and if the amount cannot be made on execution, or if such delinquent be out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation be fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security, as they may think proper, for the faithful performance of their respective duties.

SEC. 12. The corporation shall have power, by themselves or agents, to examine, survey, and locate a turnpike road from the town of Brookville, Franklin county, Indiana, via Mount Carmel, in the county aforesaid, to the state line dividing Ohio and Indiana, in the direction of Cincinnati, to meet and intersect the Brookville branch of the Colerain, Oxford and Brookville turnpike, at such point of said state line as this corporation and the said Colerain, Oxford and Brookville turnpike company may designate and determine. And the said corporation shall have power to locate said road upon the most eligible and suitable ground, with full power to diverge from a direct line between the points named, where more favorable ground can be had for the construction of said road. The same not to be more than one hundred feet in width.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or

other materials necessary for the construction of said road and branches, but no stone, gravel, or other material shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained.

SEC. 14. It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber and other materials, that may be obtained upon said routes, and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law, in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, grants, gifts, &c., shall be made in writing by the party making the same.

SEC. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of peace in the county where such circumstances may occur, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall summon a jury of twelve disinterested men, or a less number, if agreed to by the parties, who shall, after taking an oath faithfully and impartially to assess the damage, if any, view the land or materials; and after taking into consideration the advantages as well as disadvantages the road may be to the same, report thereon whether such person is entitled to damages or not, and if so, how much; and shall file such report with the justice; whereupon such justice shall enter judgment thereon, unless for good cause shewn, and in case either party shall shew sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, Either party may, at any time after the rendition of such judgment, appeal to the circuit court, as in other cases; and such court may confirm the judgment of such justice, or appoint reviewers, as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final when rendered: *Provided*, That no person who has petitioned the legislature for this charter shall be entitled to damages for the right of way for said road.

SEC. 16. And in all cases where the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made and of the day fixed for the appointment of

viewers, to be posted up in three of the most public places in the county; and if no person shall appear on the day named in such notices, he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith, by the payment of costs and damages that may be awarded against them, shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 17. If it shall be found necessary the corporation shall have the right to lay said road along and upon any state or county road: *Provided, however*, Before such location shall be made, the corporation shall procure the consent of the county commissioners in their respective counties, through which the same may run, for such right; and the said county commissioners are hereby vested with power to grant or refuse to said corporation such right, and shall enter the same on the records of said county or counties as the case may be: *Provided*, That nothing herein contained shall be so construed as to prevent said road from crossing any state or county road.

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid, and no person, body corporate, or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges hereby granted.

SEC. 19. The corporation shall commence the construction of said road within three years, and complete the same within ten years from the commencement: *Provided, however*, That if ten miles of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of said road so completed.

SEC. 20. The corporation shall cause said road to be opened, not exceeding one hundred feet wide, at least twenty feet of which shall be an artificial road, composed of stone, gravel, or other suitable materials, well compacted together in such manner as to secure a firm and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be greater than an elevation of five degrees.

SEC. 21. If said road, after the completion thereof, shall be suffered to go to decay, or impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 22. So soon as the said corporation shall have completed the said road, as aforesaid, or any five continuous miles thereof, agreeably to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling said road the tolls allowed by this act.

SEC. 23. The following shall be the rate of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to-wit: for every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding eighteen and three quarter cents; for every horse or other animal in

addition, six and a quarter cents; for every cart, chaise, or other two wheel carriage or vehicle, drawn by one horse or other animal, not exceeding twelve and a half cents; for every sled or sleigh, drawn by one horse or other animal, six and a quarter cents; for every horse or other animal in addition, six and a quarter cents; for every coach, chariot, or other four wheel pleasure carriage, drawn by one horse, not exceeding eighteen and three quarter cents; for every additional horse or other animal, six and a quarter cents; for every horse and rider, not exceeding six and a quarter cents; for every horse, mule, or ass, six months old or upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old or upwards, one cent; each hog or sheep, a half cent each: *Provided*, That all persons going to, or returning from public worship, and militia-men going to, and returning from musters, and all funeral processions, shall pass said road free of toll.

SEC. 24. If any person using said road, shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practise any fraudulent means, with intent to evade or lessen the payment of such tolls, or if any person shall take another off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for such offence, forfeit and pay to the corporation, the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed, as to prevent persons residing on said road, from passing thereon about their premises, for common and ordinary business.

SEC. 25. If said corporation shall fail for ten days in succession to keep said road in repair, and complaint be made thereof to a justice of the peace of said county, it shall be his duty forthwith, to summon three disinterested judicious freeholders to examine the same, and he shall give notice to the toll gatherer at the nearest gate, of the time when said freeholders will proceed to examine that part of the road complained of; and the said freeholders after having taken an oath, faithfully and impartially to act, shall proceed in the examination; and if they find the same out of repair, they shall certify it to a justice of the peace, who shall immediately transmit a copy of such certificate to the nearest toll gatherer, where such defective part of the road lies; and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same be put in complete repair, under the penalty of five dollars, for every such offence, to be recovered of said corporation, with costs of suit, and for the use of the party aggrieved.

SEC. 26. If any person shall voluntarily or wilfully destroy, or in any manner injure or obstruct any part of said road, or any gate thereon, otherwise than in the just and lawful use thereof, every such person shall, on conviction thereof before a justice of peace of the

county, be liable to a fine, not more than fifty nor less than five dollars, for every such offence; to be recovered by an action of debt at the suit of the State of Indiana, to go to the common school fund in the county where their jury may have [been] committed; and such offenders shall moreover be liable for all such damages to the corporation, or for injury accruing to travellers in consequence of any such unlawful damage to or obstruction of said road; all damages and costs under this section shall inure to the parties entitled to the same, and shall be collected by execution, without any delay or stay of execution, before any court having competent jurisdiction thereof.

SEC. 27. The company shall put up a post or stone at the end of each mile, with the number of miles from either extremity fairly cut or painted thereon; and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to the direction as may be necessary.

SEC. 28. Any person wilfully destroying, defacing, or removing any guide-board, mile-post, or stone, or list of rates of toll erected on said road, shall, on conviction thereof before a justice of the peace, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 29. If any toll gatherer on the road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, That no suit or action shall be brought against any person or persons for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days from the time of incurring the same; and the defendant or defendants in such action may plead the general issue, and give this act in evidence, with any other special matter.

SEC. 30. The corporation shall cause to be kept a fair account of the whole expense of making, and repairing said road, with all incidental expenses; and also a fair account of the tolls received; and the state shall have the right to purchase the stock of said company, at any time after twenty years, on paying said corporation a sum of money, which together with the toll received shall equal the cost and expense of said turnpike road as aforesaid, with an interest of twelve per cent. per annum; and the books of the corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the legislature; and if the corporation shall neglect or refuse to exhibit, at any time, their accounts, agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 31. The said corporation shall be, and they are hereby authorized and empowered to demand and receive the same toll, and proceed in the same manner to collect the same, from the driver, own-

er or owners of any stage, carriage, or sleigh, in which shall be conveyed the mail of the United States, as they have by this act a right to do, from the driver of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to empower said corporation, their agent or agents, to stop or detain any person, carriage, sleigh, or horse, whilst actually employed in the conveyance of said mail.

**SEC. 32.** It shall be lawful for the county commissioners of Franklin county, for and in behalf of said county, to authorize by an order as much of the stock to be taken as they may think proper.

**SEC. 33.** This charter is hereby limited to fifty years in its duration.

**SEC. 34.** That the full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated, under the authority of this State, to connect with the road hereby provided for, any road leading to or from the main route, to any part or parts of the State, or of crossing said road, by any county, state, or other road.

**SEC. 35.** *Be it further enacted*, That so much of the act to incorporate certain turnpike companies therein named, approved January 29, 1839, be so amended as to authorize the Brookville and Harrison turnpike company, to reduce their capital stock to forty thousand dollars, in shares of twenty-five dollars each, and in all other respects to be governed by the provisions of said act.

**SEC. 36.** All laws coming within the purview of this law be, and the same are hereby repealed.

**SEC. 37.** This act to be in force from and after its publication, and it shall be considered a public act in all courts of record within this State, also in courts of justices of the peace, and shall be beneficially construed.

**SEC. 38.** This act is subject to repeal or amendment at any time.

## CHAPTER L.

An Act to incorporate the New Albany patent bagging manufacturing company.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana*, That John Goulding, Eldridge Cutter, James Brooks, Mason C. Fitch, and Stephen S. Paxson, and their associates and successors, are hereby constituted a body corporate, by the name of the New Albany patent bagging manufacturing company, and by their said corporate name they shall have perpetual succession, may contract

and be contracted with, grant and receive lands, tenements, goods and chattels, sue and be sued at law and in chancery, have a common seal, and alter the same at pleasure, appoint such officers and agents as they shall think proper, and make such by-laws, and do all such other things as shall be necessary and proper for the purpose aforesaid, and not contrary to the laws of this State.

**SEC. 2.** The capital stock of said corporation shall be fifty thousand dollars, and be divided into shares of fifty dollars each; and the corporation shall have the right at any time to increase said stock to one hundred thousand dollars, to be divided into shares as aforesaid. Such stock shall be personal property, and transferable in such manner as the corporation shall prescribe by its by-laws.

**SEC. 3.** Any two of the above named persons may call a meeting of the others and themselves at such time and place in said New Albany, as they shall appoint, by publishing a notice thereof in a newspaper of said city ten days, or by giving like notice personally to each of said named persons five days before the meeting. And at such meeting, or at any subsequent meeting so called, a majority of said persons may organize under this act; and after being so organized, said corporation may exercise and enjoy the rights and privileges granted hereby.

**SEC. 4.** This act shall be a public act and construed liberally. The legislature shall have the right to amend or repeal it at any time by a majority of both houses, and it shall be in force from its publication in a newspaper of said New Albany.

## CHAPTER LI.

An Act to incorporate the Presbyterian Congregation of Lafayette, in Tippecanoe county.

[APPROVED JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana*, That Isaac H. Wright, George Warwick, George Nichel, James Wallace and Jesse Andrew, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Trustees of the Presbyterian Congregation of Lafayette," and by said corporate name, may sue and be sued, plead and be impleaded in any court of legal proceeding in this State, and by that name have perpetual succession, and they shall in law, by said name be capable of purchasing, holding, bargaining and selling any property, either real or personal, for the use of said Congregation, whether by legal or equitable title, not to exceed in value twenty thousand dollars.

**SEC. 2.** They shall further be empowered to receive all and singular any subscriptions, gifts, grants, donations and bequests, which shall

solely be applied to the use and benefits of such Congregation in the manner such trustees shall deem most proper and expedient, and all property, either real or personal, belonging to said Congregation shall be held in trust by said trustees and their successors, for the sole use of said Congregation, under the care of the General Assembly of the Presbyterian Church in the United States of America.

**SEC. 3.** It shall be lawful for such trustees to hold meetings at such places and at such times, and as often as it may suit them, or as their business may require it, sit on their own adjournment, on the call of the proper officer or any one of their body, and to elect or appoint such officers, and establish such rules or by-laws for the government, as they or a majority of them may see fit; *Provided, however,* That such rules or by-laws shall not be incompatible with the constitution of this State or of the United States.

**SEC. 4.** It shall be lawful for the contributing members of the Presbyterian Congregation of Lafayette to perpetuate this board of trustees by annual appointment or in any way they may deem proper, and also to fill all vacancies which may in any way occur. They shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned. The regular day for the election of trustees shall be upon the nineteenth day of May in each year; except when said day comes upon the Sabbath, when the trustees shall be elected for one year and until their successors shall be elected.

**SEC. 5.** The acts and doings of the last legally elected trustees of said Congregation are hereby declared valid in law, the same as though they had been done under the provisions of this act.

This act to take effect from and after its passage; and shall be subject to amendment or repeal by the Legislature at any time.

## CHAPTER LII.

An Act to amend (under certain circumstances) an act to incorporate the city of Logansport, approved, February 17th, 1838.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the city of Logansport may, at their annual election in the year 1842, take a vote by ballot, whether said charter for said city, shall be repealed or suspended, or not; any one of said three propositions, receiving a majority of the qualified voters, said charter shall after a certified copy of the result is filed in the clerk's office, be repealed, suspended or in full force, as shall be so decided by a majority of all the votes given.

**SEC. 2.** This act to be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER LIII.

An Act to amend an act entitled "an act to incorporate the city of Richmond, Wayne county, Indiana, approved, February 24, 1840.

[APPROVED, JANUARY 27, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the act of incorporation of the city of Richmond, Wayne county, Indiana, approved, February 24, 1840, be, and the same is hereby amended in such a manner, that hereafter all farms and woodlands within the limits of said city, as defined by said act of incorporation and not laid out in lots, shall be exempt from taxation of every description, for the benefit of said city.

This act to be in force from and after its publication in the Richmond Palladium.

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## CHAPTER LIV.

An Act to incorporate the Greenville Band of Musicians.

[APPROVED, JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Fisher A. Wilder, James F. Blossom, John S. Crim, J. A. Bower, Jas. Stucker, H. Bower, Theodore Johnson, Henry E. Porter, E. Emery, James Kirkpatrick, and W. D. Morris, of the county of Floyd, their associates and successors, be, and the same are hereby constituted a body politic and corporate, and shall be known by the name and style of the "Greenville band," and by that name shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law or equity; they shall have power to elect or appoint their own officers, in such way and manner, and at such time and place, as may suit them; to make, ordain and enforce such rules and by laws, as they may see proper, not inconsistent with the constitution and laws of the United States or of this State.

This act to take effect and be in force from and after its passage.

## CHAPTER LV.

An Act to amend an act to incorporate the town of Terre-Haute, approved, February 17, 1838.

[APPROVED, JANUARY 24, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the jurisdiction of the Mayor of the town of Terre-Haute, in all civil cases, be, and the same is hereby restricted to the incorporated limits of said town.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER LVI.

An Act to revive an act entitled, "an act to incorporate the town of Mooresville, in Morgan county."

[APPROVED, JANUARY 20, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "an act to incorporate the town of Mooresville, in Morgan county, be, and the same is hereby revived, and that Samuel Moore, Eli Vestal, James S. Kelley, Daniel Cox, Isaac Williams, G. D. May, and Reason Reagan, be, and they are hereby appointed trustees, to serve as such until the first Monday in March, 1842, and until their successors are elected and qualified, as directed in an act entitled as aforesaid.

This act to take effect and be in force from and after its passage.

## CHAPTER LVII.

An Act to amend an "act incorporating the town of Greensburgh," approved, February 4th, 1837.

[APPROVED, JANUARY 6, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the above recited act, as includes the out-lots laid out by Henry H. Talbott, on the east side of Greensburgh, be, and the same is hereby repealed.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER LVIII.

An Act to repeal an act entitled "an act to incorporate the town of Princeton."

[APPROVED JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "an act to incorporate the town of Princeton, and also the several acts amendatory thereto be, and the same are hereby repealed.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER LIX.

An Act to revive and amend an act therein named.

[APPROVED JANUARY 18, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That an act approved, February 7, 1835, entitled "an act to incorporate the Frankfort, Delphi and Michigan Railroad and Turnpike Company be, and the same is hereby revived and continued in force, so far as the same relates to the road in that act described, as is situated between Nathan Kirk's, in the county of Clinton, and the town of Delphi in the county of Carroll.

**SEC. 2.** *Be it further enacted,* That John H. Dunn, William M. Winekoop, Wilson Seawright, William Pence, and Uriah Black, of the county of Clinton; and Henry Robinson, Nathaniel W. Bowen, William Stranahan, John Brookbank and James P. Dugan, of the county of Carroll, and their successors in office be, and are hereby constituted and appointed a body corporate and politic, by the name and style of the Frankfort and Delphi Railroad and Turnpike Company, upon the same conditions, restrictions and limitations, and with the same powers, duties, privileges and rights, as are given in the act to which this is an amendment, except as hereinafter provided.

**SEC. 3.** *Be it further enacted,* That so much of the said act of the 7th of February 1835, as authorizes the constructing of a road between the said town of Delphi and Michigan City be, and the same is hereby repealed.

**SEC. 4.** *Be it further enacted,* That the capital stock of the corporation by this act created, shall be three hundred thousand dollars, to be divided into shares of fifty dollars each. And this act, and

the act to which this is amendatory, may be amended or repealed at the pleasure of the Legislature.

SEC. 5. This act to be in force from and after its passage.

## CHAPTER LX.

An Act to incorporate the First Presbyterian Church of Logansport.

[APPROVED, JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That James W. Dunn, Andrew Young, William Brown, David Corbett, and John W. Wright, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of the "First Presbyterian church" of Logansport, and by said corporate name may sue and be sued, plead and be impleaded in any court of this State, and by that name have perpetual succession, and they shall in law in said corporate name, be capable of purchasing and holding, bargaining and selling, any property either real or personal for the use of said church, whether by legal or equitable title, not to exceed in value twenty thousand dollars.

**SEC. 2.** They shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations, and bequests, which shall be solely confined to the use and benefit of said church, in the manner such trustees shall deem most proper and expedient.

**SEC. 3.** It shall be lawful for such trustees, to hold meetings at such place or places, and at such times, and as often as it may suit them, sit on their own adjournments, and adopt such rules and by-laws, not inconsistent with the constitution of this State, as they may see fit.

**SEC. 4.** It shall be lawful for the members of said church to perpetuate this board of trustees by annual election, and fill all vacancies which may occur. They shall also keep a record of their proceedings open to the inspection of all members: *Provided*, That the legislature hereby reserves to itself the right to alter, repeal, or amend the foregoing charter at any time hereafter.

This act to take effect and be in force from and after its passage.

## CHAPTER LXI.

An Act to incorporate the Eel river Union Bridge Company.

[APPROVED, JANUARY 20, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all persons who may become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate and politic, by the name and style of the Eel river Union Bridge Company for the term of thirty years.

**SEC. 2.** The capital stock of said corporation shall be two thousand dollars with power to increase the same to five thousand, divided into shares of ten dollars each.

**SEC. 3.** Cyrus Taber, Ashford Carter, Henry Helm, James H. Kintner, John S. Paterson, and William L. Stuart, are hereby appointed commissioners to open books for subscription to said stock, on or before the first day of April next.

**SEC. 4.** So soon as one hundred shares of said stock are taken, said commissioners shall give ten days written notice, in the most public places in the town of Logansport, of the time and place of the meeting of stockholders to choose nine directors, who shall be from among the stockholders of said corporation; and who shall hold their offices for one year, and until their successors are elected and qualified.

**SEC. 5.** Said directors shall choose from their own number, a president, secretary and treasurer, who shall hold their respective offices for one year, and until their successors are elected and qualified.

**SEC. 6.** A majority of stockholders shall form a quorum for the election of directors; and a majority of directors a quorum for the transaction of business, and the adoption of by-laws, rules and regulations; all elections shall be by ballot, and a majority of all those voting, shall be necessary to a choice.

**SEC. 7.** The directors may demand from the stockholders respectively, all sums of money by them respectively subscribed, at such time and in such proportion as they may think proper, and failure to pay shall be a forfeiture of their respective shares and all previous payments: *Provided*, That when payment is enforced by law, such forfeiture shall not attach.

**SEC. 8.** Said corporation may erect a toll bridge across Eel river at such point between the terminations of Market street and Broadway in Logansport, as the directors may think proper. Said corporation shall be entitled to the writ of *ad quod damnum* to obtain the requisite quantity of ground for the erection of said bridge, abutments, and cause-way.

**SEC. 9.** Said corporation shall have the power to hold real estate for the purposes aforesaid, to sue and be sued, plead and be impleaded in any court of law or equity.

**SEC. 10.** Whenever said bridge shall be completed, said corporation may demand and receive tolls not exceeding the following rates, viz: for the passage of every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for every additional horse or ox, six and one-fourth cents; every two wheeled pleasure carriage, twenty-five

cents ; every wagon, cart, sleigh, sled or cutter drawn by one horse, eighteen and three-fourth cents ; the same drawn by two horses or oxen, twenty-five cents ; for each man and horse, twelve and one-half cents ; for each horse, ox, or mule, six and one-fourth cents ; each head of neat cattle, three cents ; each sheep or hog, one cent ; for every foot passenger, six and one-fourth cents ; and in like proportion for other animals or carriages ; but persons going to or returning from muster when doing militia duty, going to or returning from church on the sabbath, all funeral processions, and fourth of July processions, shall be exempt from toll.

**SEC. 11.** Whoever shall wilfully injure said bridge, shall be liable to suit by said corporation, before any magistrate or other court of competent jurisdiction, of the county of Cass ; and the measure of damages shall be three times the cost of repair, together with costs of suit ; and whoever shall forcibly pass the gate without paying legal toll, shall be liable to an action in like manner, and in that case the measure of the damages shall be ten times the amount of legal toll, and costs of suit.

**SEC. 12.** Any toll gatherer who shall unreasonably delay or hinder any passenger, or shall demand or receive more than the legal toll, shall for every such offence forfeit the sum of five dollars in addition to the actual damages sustained by the person or persons so restrained as aforesaid ; to be recovered with costs before a justice of the peace, for the use of the person injured.

**SEC. 13.** Certificates of stock shall be given to stockholders as evidence of stock held, signed by the president and countersigned by the secretary. They shall be transferable only on the books of the corporation personally, or by a duly authorized agent or attorney ; but such stock shall at all times be holden by the corporation for any debts due from the holders thereof to the corporation ; and subject also to sale on execution as other personal property.

**SEC. 14.** That said company shall at all times keep a printed list of prices of all tolls of said bridge posted up at each end of the same.

**SEC. 15.** The Legislature hereby reserves to itself the right at any time hereafter to amend, alter or repeal, the foregoing charter or any part thereof.

**SEC. 16.** This act to be in force from and after its passage.

## CHAPTER LXII.

An Act to amend an act entitled "an act to incorporate the Vevay and Napoleon and other turnpike companies," approved Feb. 8, 1836.

[APPROVED JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the "Rising Sun, Versailles and Napoleon Turnpike Company, incorporated by an act entitled "An act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8, 1836, are hereby authorised to commence the construction of said road within five years from the passage of this act, and shall have the term of twenty years from the passage of this act to complete the same in. So much of the thirty-fourth section of the act to which this is an amendment as comes within the purview of this act be and the same is hereby repealed.

This act to be in force from and after its passage, and shall be subject to amendment or repeal at the pleasure of the legislature.

## CHAPTER LXIII.

An Act to incorporate the Wabash Bridge Company in the county of Huntington.

[APPROVED JANUARY 20, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name and style of the "Wabash Bridge Company," in the county of Huntington, and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this State or the United States, as shall from time to time be found necessary for the management and good government of said corporation.

**SEC. 2.** That Paul M. Coon, William Cole, Union Cole, and Erie Cole, of the county of Huntington, shall be commissioners to open books for the receiving of subscriptions to the capital stock of said corporation.

**SEC. 3.** The capital stock of said corporation shall be five thousand dollars, or so much thereof as is necessary to carry into effect the ob-

ject of this corporation; said capital stock shall be divided into shares of twenty dollars each.

Sec. 4. Whenever forty shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be set up in three public places in the town of Huntington, giving at least three weeks notice of the time and place of the meeting of the stockholders to choose directors, and of the time and place appointed. The stockholders shall choose three directors, being stockholders of said corporation, a majority of whom shall be competent to transact business. A new election of directors shall be held annually thereafter, on the last Saturday of September, or as soon thereafter as a majority of the stockholders can convene for that purpose, at such place as the stockholders at a previous meeting shall appoint. The directors thus chosen at any election shall, as soon thereafter as may be convenient, choose out of their number one person to be president, who shall appoint a secretary and treasurer.

Sec. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportions as they may think proper; and on penalty of forfeiting their respective shares and all previous payments.

Sec. 6. The said corporation may erect a toll bridge across the Wabash river at any point agreed upon by the majority of the stockholders, each stockholder being entitled to one vote for each share he may own in said corporation: *Provided, however,* Such bridge shall be located at some point within one fourth of a mile from Coon and Cole's mill dam, now built across said river.

Sec. 7. The said bridge shall be built such width and in such manner as a majority of the stockholders may determine, voting in the manner prescribed in the foregoing section: *Provided, however,* Said bridge shall not be less than twenty feet in width, and secured by railing on each side not less than four feet high.

Sec. 8. Whenever said bridge shall be completed, the said corporation may erect a toll gate and demand and receive tolls, not exceeding the following rates, to-wit: for every four wheel carriage drawn by two horses or oxen, twenty-five cents; for every two wheel pleasure carriage, twenty-five cents; for every wagon, sleigh, or cart drawn by one horse, twelve and a half cents; and for every additional horse or ox, six and a fourth cents; for each man and horse, twelve and a half cents; for each horse, mule, or work ox, six and a fourth cents; for each head of neat cattle, three cents; for each sheep or hog, one cent; for every foot passenger, six cents and a fourth; but all persons of the county going to or from religious worship, or going to or returning from military duty, and all funeral processions, shall be exempt from paying toll.

Sec. 9. If any person shall wilfully injure said bridge, the person or persons so offending shall pay treble the amount assessed in damage by any three disinterested householders under oath.

Sec. 10. If any person shall forcibly pass the gate without paying the legal toll, such person or persons shall forfeit and pay eight times

the legal toll, to be recovered by action of debt before any justice of the peace.

Sec. 11. If any toll gatherer shall cause any unreasonable delay to any passenger at the gate, or shall receive or demand more than legal toll, he shall for every such offence, on conviction, forfeit the sum of five dollars, in addition to such amount of damages as the plaintiff may recover in any court of competent jurisdiction, to be recovered before a justice of the peace, to the use of the person so hindered or defrauded.

Sec. 12. If said bridge shall not be constructed within ten years from the passage of this act, then, and in that case, this act shall be null and void; otherwise to remain in force and virtue forty years and no longer: *Provided, however,* If either the county of Huntington or the State of Indiana, shall at any time pay to said corporation the cost of erecting said bridge, together with the interest thereon, then, and in that case, the said State shall repeal said charter. The Legislature reserving the right to amend or repeal said charter, or any part thereof, at any time hereafter.

Sec. 13. This corporation shall not in any manner obstruct the Wabash river.

Sec. 14. This act to take effect and be in force from and after its passage.

## CHAPTER LXIV.

An Act to incorporate the Martinsville Band of Musicians.

[APPROVED, JANUARY 29, 1842.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Milton Hite, William Story, Robert Hamelton, Bedford Mitchell, James H. Shepherd, Francis Phelps, John Glesner, John Bull, William Duncan, William J. Sparks, Algenon S. Griggs, Henry Sims, Stephen McCracking, Jefferson Scott, John Deturk and their associates and successors be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the Martinsville Band, with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, use a common seal, and the same to alter or renew at pleasure.

Sec. 2. Said band is hereby authorized and empowered to adopt a constitution, to make, establish and enforce such by-laws, rules and ordinances under said constitution, as they may deem proper, not inconsistent with the constitution and laws of the United States, and of the State of Indiana.

Sec. 3. Said band may make and appoint all officers necessary for the management and direction of the same; may regulate the manner of appointing or electing such officers, and their term of service, and

make such rules and regulations for the reception or expulsion of members as they may deem proper.

SEC. 4. Said corporation may receive donations in money or property, and may purchase property, musical instruments or books, and may hold the same and devote the same to the purposes of the band, and may convey, alien, or sell, any or all such property.

SEC. 5. This act to take effect and be in force from and after its passage; and shall be subject to amendment or repeal at the pleasure of the Legislature.

## CHAPTER LXV.

An Act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Israel Harding, James Johnston, and Asa B. Strong, of the county of Marion; Benjamin Logan, Archibald Alexander, Blair McCrosky and James Martin, of the county of Hendricks; Samuel Milholland, John Porter, and Ephraim Rudisell, of the county of Boone; George Dorsey, Thomas W. Fry, Abraham P. Watson, Leverett G. Boies, Samuel C. Wilson, William Gray, Daniel Hartsock, and George Wright, of the county of Montgomery; George W. Appleget, Thomas Smiley, Stephen Kennedy, and George Fox, of the county of Tippecanoe, and David Rawles, Joseph Restine, and Clois Ballard, of the county of Fountain, and their successors in office, be, and they are hereby constituted a body politic and corporate, and by the name and style of "The President and Directors of the Indianapolis, Crawfordsville and Lafayette turnpike company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever, to make and use a common seal, and the same to alter or change at pleasure, and shall be able in law to make contracts, and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary, to accomplish the object herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization, any five of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers, necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regu-

lations, and all orders for the payment of such allowances, as may be made to their officers, and all others in their employment; which journal and proceedings, shall from time to time be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore*; they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened at such times and places as they may choose, due notice of which shall be given in some public newspaper, printed and published in the vicinity of said road; in each of which books, the following entry shall be made:

"We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite to our names, in such manner and proportions, and at such times as the president and directors of the Indianapolis, Crawfordsville and Lafayette turnpike company may direct. Witness our hands, this day of 1842."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the State of Indiana, or the United States, by their authorized agents to subscribe for any amount of the capital stock, and the said corporation may by agent offer for sale, in any other State, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties; the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share as they may think proper, but the amount required shall be made known at the notice for opening the books, and any future payments on the stock, shall be under the control of the corporation.

SEC. 7. As soon as one hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof, in some public newspaper printed nearest to said road, and in said notice, appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of this State; and which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected; in all elections each share shall entitle the holder to one vote, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the agent of any corporation, or of the State of Indiana, or the United States, and any person who may have a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first, shall be on the first Monday of January, annually, under the direction of the stockholders present; of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk, the stock shall be transfe

ed on the books of the corporation only, personally or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times holden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

**SEC. 11.** The corporation shall have power to call for such portions of the stock subscribed, not exceeding fifteen per cent. every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice thereof, in some newspaper printed and published in the vicinity of said road, or by giving written notice to the stockholders; in which notice shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall refuse or neglect to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with interest thereon, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may be paid thereon; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ bonds, with such security as they may think proper, for the faithful performance of their respective duties.

**SEC. 12.** The corporation shall have power, by themselves or agents, to examine, survey, locate and make a turnpike road from Indianapolis in Marion county to Lafayette in Tippecanoe county; the said turnpike road to commence at Col. Nathaniel Bolton's, at the intersecting point of the National and Crawfordsville roads, and to run on or as near the present state road leading from Indianapolis to Lafayette by way of Crawfordsville, as the corporation shall think most conducive to the public good and their interest, making Brownsburg, Alexander's, Jamestown and Crawfordsville points in said turnpike road; and the said turnpike road shall not be more than sixty feet in width: *Provided*, That if said road shall run along the line of any state or county road, said corporation shall first obtain a permit so to do from the board doing county business in said county.

**SEC. 13.** And for the purposes of making such examination and location it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials, necessary for the construction of said road; but no stone, gravel or other material shall be taken away from any lands without the consent of the owner thereof, until the amount of compensation therefor shall have been ascertained and paid.

**SEC. 14.** It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons

through whose land the same may run, a relinquishment of so much of said land as may be necessary for the construction of said road; also the stone, gravel, timber and other materials, that may be obtained on said route; and may contract, for stone, gravel timber and other materials that may be obtained from any lands near thereto; to receive by donations gifts, grants or bequests, lands, money, labor, property, stone, gravel, charcoal, wood or other materials, for the benefit of the corporation; and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into in writing, by any person or persons able in law to contract, made in consideration of such location and for the benefit of the corporation, [should be binding and obligatory; and the corporation] may and shall have their action at law, in any court of competent jurisdiction to compel a compliance therewith: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, &c., shall be made in writing by the party making the same.

**SEC. 15.** That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupation of the same for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges granted.

**SEC. 16.** The corporation shall commence the construction of said road within two years from and after the passage of this act and finish the same within twenty years thereafter: *Provided, however*, That if five miles of said turnpike road shall be completed within the time aforesaid, this charter shall not be forfeited as to that part of the road so completed, nor any part that may be completed within twenty years.

**SEC. 17.** The corporation shall cause said road to be opened not exceeding sixty feet wide; at least sixteen feet of which width shall be an artificial road composed of charcoal, stone, gravel, sand or clay well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be greater than an elevation of six degrees.

**SEC. 18.** That in constructing the said road, the said company shall not construct the same in detached parts or pieces, but shall construct the same in one continuous line from the point where they commence the same.

**SEC. 19.** If said road, after the completion thereof shall be suffered to go to decay, or to be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited: *Provided*, That if said road shall become so impassable or out of repair at any time, and said company refuse or neglect to repair the same, then the board doing county business in said county may order any gate or gates to be set open until the same is repaired.

**SEC. 20.** So soon as said company shall have completed said road, or any five miles thereof agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than

five miles, and demand and receive of persons travelling or using said road such toll or rates as shall best comport with the interests of said company, so as not to be considered oppressive upon those travelling upon or using said road.

**SEC. 21.** If any person or persons using said road, or any part thereof, shall, with intent to defraud said company, or evade payment of toll, pass through any private gate or bars, along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of any such toll, or if any person shall take another off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practices, shall for every such offence, forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered with costs of suit in an action of debt, at the suit of the corporation, before any justice of the peace of the county in which such offence may have been committed: *Provided*, That nothing in this act, shall be so construed as to prevent persons residing on said road from passing thereon, about their premises for common and ordinary business.

**SEC. 22.** The corporation shall erect a post of stone or wood at the end of each mile, with the number of miles from each extremity, fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and all other necessary matter in relation to directions.

**SEC. 23.** Any person wilfully or maliciously destroying, defacing, or removing any guide board, mile-post or stone, or list of rates of toll, erected on said road, shall on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

**SEC. 24.** If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

**SEC. 25.** The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expenses, and also a fair account of the tolls received; and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said company; and the said company shall at any time dispose of the stock to the State, for the money actually paid in or expended about said work, with six per cent. interest thereon.

**SEC. 26.** The said company shall have the right, at any time, to extinguish the right of the State to purchase of said company the said road, as provided in the foregoing section, by paying to the State the amount expended by her in the construction thereof, with six per cent.

interest thereon, in her own bonds at par for which she has received a full consideration, or in cash.

**SEC. 27.** It shall be lawful for the county commissioners of any of the counties through which said road passes, and all other counties interested in said road, for and on behalf of their respective counties, to authorise by an order as much of the stock to be taken as they may think proper.

**SEC. 28.** The said company shall have the power to survey, locate and construct a lateral road, of the same materials and under the same regulations in all things, as is provided in this act for the main road, to commence at a point near the bridge across Sugar creek, running thence by way of Middletown, Hillsborough and Newburgh, to Covington.

**SEC. 29.** The State hereby relinquishes to said company all the work done and all the right of way which she has obtained on the route of said turnpike road.

**SEC. 30.** This charter shall be subject to repeal or amendment at the pleasure of the legislature.

**SEC. 31.** The stockholders in said corporation shall be liable, in a just ratio or proportion of their amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock; and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion from any debt or debts incurred or created during his, her or their possession of said stock.

**SEC. 32.** This act shall be a public act, and shall receive a liberal and beneficial construction.

**SEC. 33.** This act to be in force from and after its passage.

## CHAPTER LXVI.

An Act to incorporate the Garrick Literary Institute.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That John R. Richards, Nelson T. Place, Myron H. Orton, Henry G. Oaks, Robert S. Cobbs, Luther Mann, Wm. D. Farnsworth, Samuel J. Holland, Volney W. Bailey and Robert Fravel, and their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Garrick literary institute," with perpetual succession, and with full power to contract and be contracted with, and to sue and be sued in all courts whatever; and to make, use, and have a common seal, and alter the same at pleasure. And to adopt a constitution, and make, establish, and enforce by-laws, rules and regulations, to carry out the

purposes of the association, not contravening the laws of this State. And to appoint all officers necessary for the management of the association, and fix their time of service and pay, and all other matters connected therewith.

**SEC. 2.** Said institute may receive donations in money and property, and purchase, acquire, and hold and enjoy, with the right to dispose thereof, real estate, not exceeding in value two thousand dollars, as fully as an individual can hold, enjoy, or dispose of the same: *Provided*, That all property held by them, and all stock taken and subscribed by the stockholders in said institute, shall be liable for the debts contracted by the institute, and the stockholders therein, shall further be individually liable in proportion to their stock, for any such debts.

**SEC. 3.** The legislature hereby reserves the right to repeal or amend this charter at any time, and no banking privileges are hereby granted.

This act to be in force from and after its passage.

## CHAPTER LXVII.

An Act to incorporate the Washington citizens band, in the county of Daviess.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Joseph B. Carnahan, Milton Davis, George W. Davis, Alfred Jones, George S. Walters, Samuel G. Miller, Robert C. B. Calhoun, John B. Aikman, William Meredith, Thomas Dougherty, Samuel A. Rodarmel, William P. Wingate, Seth H. Cruse, Hardy Jones, George Roddick, Charles Bradford, Isaac McCormick, Jacob Jumper, Melville Bassett, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of "The Washington citizens band."

**SEC. 2.** The body politic hereby incorporated, shall have perpetual succession, with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of this State; and to make, have, and use a common seal, and to alter or renew the same at pleasure.

**SEC. 3.** The said band is hereby invested with full power, by a concurrence of two-thirds of the members present, to adopt such a constitution as they may deem proper, and the same to alter at pleasure by a like majority; and to make, establish, and enforce such by-laws, rules, and ordinances for the creation, election, term of service, and government of all officers that may be deemed necessary for the management and direction of the same, and for the reception, government, and expulsion of members, as they may deem proper, not inconsistent with the constitution and laws of the United States, or of this State.

**SEC. 4.** Said corporation may receive donations in money, property, instruments of music, music and other books, or they may purchase and hold the same, and dispose of, convey, alien, or sell the same or any part thereof, for the use and benefit of said band, but for no other use or benefit whatever.

**SEC. 5.** The legislature reserves the right to alter, amend, or annul this charter at pleasure.

This act to take effect and be in force from and after its passage.

## CHAPTER LXVIII.

An Act to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance Company, Approved January 30, 1837.

[APPROVED JANUARY 24, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That if any person or persons who shall become members of said company, by effecting insurance therein, after the passage of this act, their heirs, executors, administrators or assigns shall neglect or refuse the payment of any assessment or assessments duly ordered by the directors of said company, for the term of thirty days after the same shall have become payable, agreeably to public notice by the treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her or their insurance or insurances respectively, for and during the term of such default or nonpayment; and notwithstanding shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her, or their policies of insurance, pursuant to the provisions of the act to which this is an amendment.

**SEC. 2.** That in all cases where real or personal property, insured by said company, shall become alienated by sale, by change in partnership or ownership, or otherwise, the policies issued thereon shall be void, and shall be surrendered to said company to be cancelled; and said company shall not be liable for any loss and damage which may happen to any property after such alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed by the consent of the directors to the actual owner or owners thereof previous to such loss and damage. And no policy issued by said company shall be deemed to have been duly assigned or confirmed unless the consent of the directors to such assignment or confirmation is certified on such policy by the secretary of said company.

**SEC. 3.** That so much of the act to which this is an amendment as is inconsistent with this act be and the same is hereby repealed.

This act to be subject to amendment or repeal at the pleasure of the General Assembly.

## CHAPTER LXIX.

An Act to incorporate the Rushville Band.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That George Hibben, Rew Pugh, Oliver C. Hackleman, E. C. Hibben, Richard Poundstone, Edwin R. Budd, Samuel Bratten, William Carr, and their associates be, and they are hereby constituted a body politic and corporate, and by the name of the president, secretary and treasurer of the Rushville Band, shall be able to sue and be sued, defend and be defended, plead and be impleaded, answer and be answered unto in any court of competent jurisdiction whatsoever.

**SEC. 2.** Said corporation may appoint or elect a president, secretary and treasurer of their own body, who shall severally hold their offices and perform the duties that may be required of them by the by-laws which said company may adopt for that purpose, either for or without compensation, as said company may direct.

**SEC. 3.** A majority of said company shall have power to pass or make from time to time, such by-laws, rules and regulations, and inflict such forfeitures and penalties as may be necessary to carry into effect, and enforce obedience to the same, and to carry into effect the object of this charter, not inconsistent with the constitution and laws of this State or of the United States, as they may deem proper and expedient.

**SEC. 4.** Said corporation may at any time add to their number, or expel members in such manner as they may prescribe by their by-laws for that purpose; they may receive donations in money, property or musical instruments, and hold or dispose of the same for the use of the corporation; they are authorized to make up a capital stock of one thousand dollars, if necessary, for the purchase of instruments, books, or to be expended for tuition of shares of not more than five dollars each, to be taken and held by their members, for the purposes aforesaid; and said corporation by a vote of all the members, may sell or dispose of the property belonging to them, and divide the proceeds in proportion to the amount of stock held by each member, whenever they may deem it advisable so to do.

**SEC. 5.** Said corporation shall have power to do all acts necessary and proper to carry into effect the provisions of the foregoing charter, and to promote the interest of said company in the art and science of music, for which purpose it is granted.

**SEC. 6.** This act shall be in force from and after its passage, and shall be liable to be altered or amended at any time, at the pleasure of the Legislature.

## CHAPTER LXX.

An Act to incorporate the Jefferson Fire Engine and Hose company, No. 1.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That D. Trotter, H. French, H. McCleran, and B. C Pilc, of the town of Jeffersonville, and county of Clark, their associates and successors to the number, of not more than two hundred, be, and they are hereby constituted a body politic and corporate, by the name and style of the "The Jefferson fire engine and hose company, No. 1," and by that name during the continuance of this act, shall have succession, sue and be sued, plead and be impleaded against, in any court of law or equity, contract and be contracted with, have power to take, hold, and convey real and personal property, necessary for the purpose of extinguishing fire, and the preservation of the engine, hose, tools and implements of the said company, to the amount of ten thousand dollars, and have and use a common seal, and change and alter the same at pleasure.

**SEC. 2.** The said corporation shall have full power to make and establish such by-laws, rules and regulations as they from time to time shall think proper, as to the time, place and manner of electing their officers, and as to the period of their continuance in office, and as to the powers and duties of said officers, and for fixing the time and place of meeting of said company, for regulating the manner of conducting their business when met, and to compel the attendance of its members, at the meetings of the company and at fires, and with respect to all such other matters whatsoever, as relate to the purposes for which this corporation is constituted.

**SEC. 3.** The members of said corporation shall be exempt from militia duties, except in case of insurrection, or invasion, and from serving on juries in justices' courts, and from the payment of a poll tax for county purposes, and they shall after ten years' service in said company, be forever thereafter exempt from the performance of militia duties, except in cases of insurrection or invasion, and a certificate signed by the president and attested by the secretary, with the seal of said company annexed, shall be competent evidence in all cases, that the person to whom it is given, is and has been a member of said company.

**SEC. 4.** All fines incurred by this act, or the by-laws, rules or regulations of said company, shall and may be recovered by the treasurer of said company, in the name of the company, before any justice of the peace of the said county of Clark, with costs of suit, in which action it shall be lawful to declare generally in debt for each fine or penalty, and give the special matter in evidence, and the defendant may plead the general issue, and give the special matter in evidence, and all fines and penalties so recovered, shall be appropriated in such way as may be directed in the by-laws of said company.

**SEC. 5.** The by-laws, rules and regulations, and private transactions of said company, shall be entered in a book kept for that purpose, which entries may be given in evidence in any trial, for the recovery of any fine or penalty which may be incurred by virtue of this act.

**SEC. 6.** This act shall be a public act, and be judicially noticed, and be lib-

erally construed by all courts of this State, and the General Assembly may at any time hereafter, modify, amend, or repeal the same.

**SEC. 7.** This act to take effect from and after its passage.

## CHAPTER LXXI.

An Act to amend the act entitled "an act to incorporate the Richmond Trading and Manufacturing company.

[APPROVED, JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of coercing the payment of the instalments or any of them due, or that may become due, on subscription to the capital stock of the Richmond trading and manufacturing company, or any damages the president and directors of said company may have assessed, or shall hereafter assess, for delinquency in the non-payment of such instalments, or any of them, said company, by their officers, may sell such stock so subscribed to the capital stock of said company, or such number of shares thereof, as may be necessary to pay such instalment or instalments, and damages and costs, at public sale.

**SEC. 2.** Before the sale of any such stock, the said company shall give public notice, of the time and place of such sale, in some newspaper published in the city of Richmond, not less than sixty days prior to such sale, setting forth the name of the delinquent stockholder, the amount due from him, and when due.

**SEC. 3.** The smallest number of shares that will pay such unpaid instalment or instalments, together with damages, interest, and costs of sale, shall be sold by said company, and upon the sale of such stock, the company shall retain such unpaid instalment or instalments, with interest thereon from the time the same becomes due, damages assessed as aforesaid, and costs of advertising and sale; and if any balance shall remain of such sale, said company shall pay the same over to each delinquent stockholder, his assigns or legal representatives on demand.

**SEC. 4.** Upon the sale of any such stock, the secretary of said company shall transfer on the books of said company to the purchaser or purchasers, his or their assigns or legal representatives, the number of shares so sold, and thereafter the same shall be deemed and held in law and equity, as the property of such purchaser or purchasers, and stock in such company shall be subject to levy and sale on execution, as personal property, and at the request of the sheriff or other officer, making such sale on execution, the secretary of such company, shall transfer such stock to the purchaser or purchasers thereof, on the books of said company.

**SEC. 5.** This act to be in force from and after its publication in some weekly newspaper, in the city of Richmond, which shall be at the expense of the said company.

## CHAPTER LXXII.

An Act to incorporate the Trustees of the Laporte University.

[APPROVED, JANUARY 20, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Gustavus A. Rose, Daniel Meeker, Jacob P. Andrew, John B. Niles, William C. Hannah and William Andrew and their successors in office be, and they are hereby constituted and declared to be a body corporate and politic by the name and style of "The Trustees of the Laporte University," and by that name they shall have perpetual succession.

**SEC. 2.** The said trustees in their corporate capacity, by the name and style aforesaid, shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity, according to the usages of said courts, to acquire, hold, enjoy and transfer property to any amount, real or personal, for the use, benefit, interest and prosperity of the said university, not to exceed in amount at any one time the value of fifty thousand dollars; to receive and accept of any gift, grant, donation, bequest or conveyance by or from any person or persons, company or corporation of any property, (not exceeding at any one time the amount aforesaid) and may hold, use, enjoy or dispose of the same, as may be deemed best for the interest of said university, to make, have and use a common seal, and the same to alter at pleasure.

**SEC. 3.** The said board of trustees shall have power to elect professors and tutors, and all such officers as they may deem necessary for the interest and prosperity of the said university, and the same, or either of them, to expel or turn out of office whenever, in the opinion of the said board, the same will be for the interest of the said university.

**SEC. 4.** The professors in the said university, in their respective departments, by and with the approbation of the said board of trustees, shall have power to grant and confer degrees in the liberal arts and sciences, as are usually granted and conferred in other universities in the United States: *Provided, however,* That no degrees shall be conferred or diplomas granted, except to those who have acquired (in the opinion of the said board and professors) such proficiency in the liberal arts and sciences as may justly entitle them to the same.

**SEC. 5.** The said trustees shall have power to make, ordain, establish and execute all such by-laws, rules and ordinances not inconsistent with the constitution and laws of the United States, or of the State of Indiana; and to do all other acts in furtherance thereof as they may deem necessary for the welfare of the said university: *Provided, always,* That the profession of any religious tenets of any particular denomination shall not be established as qualifications requisite for the admission to, or the absence thereof, ground for the exclusion

of any person from the benefits of the said university : *And, Provided further,* That the same shall in no wise be under the exclusive control of any religious sect whatsoever.

**SEC. 6.** That whenever the said trustees shall elect one or more professors to fill any chair or department in the said university, the said professor or professors so elected shall *ex officio* become a trustee or trustees as fully and effectually as those above incorporated, and be clothed with all the powers, rights and immunities that either of the other trustees may be possessed of: *Provided, however,* That nothing in this section shall be so construed as that said professors when elected shall in any wise supersede those as above incorporated, but that they shall constitute a part of said board.

**SEC. 7.** That the trustees of the 'said university shall continue in office during good behavior; *Provided, nevertheless,* That when any one of the said trustees shall resign his office as trustee or as professor, or shall be removed from office of trustee or from his professorship, or shall die, that then, or in either of those cases, the said board may declare his or their place or places vacant, and may at their option, and at their discretion, proceed to fill said vacancy at any regular or called meeting of the said board, due notice having been given five days next preceding said meeting either by personal notice or by advertisement in the public newspaper printed in the town of Laporte: *And, provided, further,* That the said board by vote of two-thirds of their number may declare the office, or chair of any one of their body vacant and may proceed to elect as aforesaid.

**SEC. 8.** That the two-thirds of said board shall constitute a quorum at any meeting, and a majority of the votes at any such meeting shall be sufficient to carry, or establish any resolution or motion pending in the said meeting.

**SEC. 9.** This act is declared to be a public act, and the same shall be construed favorably for every beneficial purpose therein mentioned or intended. The Legislature reserves the right to repeal or amend the above act of incorporation at any time hereafter by a vote of a majority of its members.

**SEC. 10.** This act to be in force from and after its passage and publication in the Laporte County Whig.

## CHAPTER LXXIII.

An Act to incorporate the Hoosier Company of Clarke county.

[APPROVED, JAN. 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Thos. W. Gibson, Wesley G. Hammond, Daniel Long, James Smith, George Steel, James H. Ford, James Crawford, Vernon Huckleberry, William McCampbell, Eli Robertson, and L. Griswold, and their associates and successors be and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the Hoosier Company of Clarke County, and by that name shall have perpetual succession, with full power and authority to contract and be contracted with, to sue and be sued, plead and be impleaded, in any court of law and equity; to make, have, and use a common seal, and the same to alter at pleasure. They shall have power to elect their own officers; to make, ordain, establish and enforce such by laws, rules and ordinances, not inconsistent with the constitution and laws of the United States, or of this state, as they shall deem necessary for the welfare of said company, and to do all other acts in pursuance thereof necessary for the prosperity and good government of the same; and said company shall not exceed one hundred rank and file.

**SEC. 2.** All officers of said company shall be commissioned by the Governor of the State of Indiana; and all resignations shall be made to him; and all elections for officers in said company shall be held at such time and place as may be directed by the company, due notice thereof being given.

**SEC. 3.** Said company shall be subject to the civil power, and ready, when called on by the same, to turn out for the purpose of aiding in quelling and suppressing all riots and insurrections which may happen in the county aforesaid.

**SEC. 4.** Said company shall have power to assess and collect such fines for non-attendance on the parades and drills, or meetings for the transaction of business of said company, not exceeding five dollars per day; and such fines for deficiency in equipments, not exceeding one dollar for each article, as may be established by the by-laws of said company.

They shall also have power to expel from said company, or punish by fine not exceeding five dollars, for all contempts or disobedience of orders, or unsoldier-like conduct on parade, drills, or other meetings of the company; and all fines assessed by said company may be sued for by action of debt in the corporate name of said company, and collected before any justice or other court having competent jurisdiction.

**SEC. 5.** All fines collected by said company shall be for the exclusive use of the same, and may be applied towards procuring colors,

instruments of field music, tents and camp equipage, defraying the expenses attending the performance of camp duty, and for teaching music in the said company.

SEC. 6. That, to enable said company to carry into effect the provisions of the fourth section of this act, they are hereby authorised and empowered to organise within themselves such courts as may be necessary to take cognisance of all delinquencies, contempts and disobedience of orders, and unsoldier-like conduct on the part of any member or members of said company.

SEC. 7. This act to take effect from and after its passage, and to be subject to a repeal at any time, by a vote of two thirds of the legislature.

## CHAPTER LXXIV.

An Act entitled an act to amend "an act to incorporate the town of Newport in Wayne county," approved, February 7, 1835.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be lawful for the president and trustees of the town of Newport, to assess property in said town, and in the additions that may be hereafter made to it, both real and personal, in the same manner and by the same regulations, that the assessment is made for State and county purposes; the amount of taxes to be levied and collected in one year shall be determined and agreed on, in a meeting of the citizens of said town, a notice of which shall be given by the president and trustees advertising the same, ten days in three of the most public places in the town; a majority of the votes given to decide the amount to be so levied and collected: *Provided*, That all churches, meeting houses for religious worship, school houses, the steam mill property, all lots of ground containing more than one acre, together with such portions of contiguous farms as lie within the corporate limits, shall be exempted from the payment of any tax; unless some of the above exempted grounds shall have a house or houses on them, in that case, one-fourth of one acre on which such improvement stands, shall be liable to taxation, under the rules and regulations as other town property: *Provided further*, That in case the citizens fail to meet and levy the taxes as above directed, the trustees shall assess the same as heretofore, not to exceed a poll tax of fifty cents, nor one-fourth of one per centum on property according to value.

SEC. 2. It shall not be lawful for any person or persons, to sell within the corporate limits of said town, any intoxicating liquors in

any quantity, without first procuring a license from the president and trustees for that purpose, who are hereby empowered to grant or refuse such license at their discretion; any thing in the act to which this is an amendment or in the laws of the State to the contrary notwithstanding.

SEC. 3. In case of a violation or infraction of any of the penal regulations of the corporation, the marshal on coming to a knowledge thereof, shall have power without process, to bring the offender or offenders, before the president for trial, and on serving process or orders directed to him by the president; he shall have the same powers, and shall be governed by the same rules and regulations that constables are governed by, when acting under a justice of the peace in similar cases.

SEC. 4. It shall be lawful for the president and trustees, to appoint any person clerk, treasurer, assessor, or marshal of the town, who is legally qualified to vote for corporation officers, and no property qualification shall be required of said clerk, treasurer, assessor, or marshal.

SEC. 5. The assessor shall not be hereafter required to make return, according to the provisions of the 12th section of the act, to which this is an amendment, before the 15th of May in each year.

SEC. 6. The bounds of this corporation shall be as follows: beginning at the northeast corner of fractional section number one, range fourteen, township number seventeen, running east along the section line one hundred and nineteen poles, then south two hundred and forty-four poles, thence west one hundred and nineteen poles, thence north along the sectional line two hundred and forty-four poles, to the place of beginning.

SEC. 7. That any and every part of the act to which this is an amendment, conflicting with the provisions of this act, be, and the same is hereby repealed.

SEC. 8. This act shall be in force from and after its publication, by the president and trustees, according to the provisions of the act, to which this is an amendment, and shall be subject to repeal or amendment at the pleasure of the legislature.

## CHAPTER LXXV.

An Act to incorporate the Delphi storage and forwarding company.

[APPROVED, JANUARY 25, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Spears, John Bradshaw, Samuel Grimes, James P. Dugan, Nathaniel W. Bowen, James R. Blanchard, David Stipp, Newton H. Gist, Reed Case, John Brookbank, and Abram F. Martin, of the county of Carroll, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name of the "Delphi storage and forwarding company," by which name they and their successors shall have continual succession, as a body politic and corporate, may make contracts, sue and be sued by

their corporate name, have a common seal, and as a body corporate, by the said name shall be capable of purchasing, holding, and conveying any property, real or personal, that may be necessary to the furtherance of their objects as hereinafter specified.

**SEC. 2.** The capital stock of the said company shall be five thousand dollars, and be divided into shares of twenty dollars each, and the said persons in the first section of this act named, or any two of them, are hereby appointed commissioners and are authorized to open books, and receive subscriptions to said stock at such time and place as they may deem expedient, first giving twenty days notice of such time and place of such meeting and subscription, in the several newspapers printed and published in the said town; which subscription shall be paid at such time, and in such instalments as the board of directors shall determine.

**SEC. 3.** The said persons in the first section of this act named, or any three of them, shall act as directors of said corporation until the first Saturday of May, A. D. 1842, and until their successors are elected and qualified.

**SEC. 4.** Three directors shall be elected on the first Saturday of May next by the stockholders of said corporation, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of said election; and the directors thus elected shall hold their offices for one year, and until their successors are elected and qualified; and annually thereafter there shall be held an election on the first Saturday of May for three directors, which election shall be conducted in such manner as said corporation may direct; but any vacancy occurring in the said board of directors may be filled by the remaining directors until the next annual election.

**SEC. 5.** And the said corporation by their agents, or persons in their employ, shall have full power and authority to survey, locate and construct a lateral canal, or side-cut and basin, commencing upon the Wabash and Erie canal where the main street of said town of Delphi crosses the same, and running east, up and within the said main street, the width of the said street to the hill at the said town, and at the termination of the said lateral canal at the said hill, the said corporation shall have power, and they are hereby authorised to construct a canal basin fit for commercial purposes, and for the interests of the corporation as by this act contemplated.

**SEC. 6.** And for the purpose of making such survey and location, it shall be lawful for the said corporation by their agents, or persons in their employ, to enter upon any land to make surveys and estimates and to take the necessary materials for constructing the same, but no material shall be taken until compensation therefor is made to the owner thereof.

**SEC. 7.** It shall be lawful for the said corporation to obtain from the owner or owners of any land or town lots through which the said lateral canal may pass, and upon which the said canal basin shall be constructed, a relinquishment of so much of said land or town lots as

may be necessary for the purposes aforesaid; and it shall be lawful for said corporation to receive by donation, gifts, grants or bequests, subscriptions in money, labor, property or materials, for the benefit of the said corporation.

**SEC. 8.** The said corporation may charge and recover such tolls from all persons who run boats on the said lateral canal, or use the said basin in any manner whatever, as the board of directors may determine: *Provided*, That the rates established from time to time shall be posted up in some conspicuous place or places on the said canal.

**SEC. 9.** And the said corporation shall have the right to so much water from the said Wabash and Erie Canal as will be sufficient for the purposes by this act contemplated, and shall have the right, and are hereby authorized to build and erect ware and store houses upon the said lateral canal and basin, and to carry on the storage, forwarding and commission business.

**SEC. 10.** The stock of the said corporation shall be considered as personal property, and shall be assignable, agreeably to such rules and regulations as the board of directors may prescribe.

**SEC. 11.** A majority of the board of directors shall form a quorum to transact the business of the said corporation, and may enact such by-laws, rules and regulations as they may deem expedient for the government of the said corporation.

**SEC. 12.** The said board of directors shall have power to receive, and by due course of law to coerce the collection of any and all subscriptions of stock, or other subscriptions, made to or for the benefit of the said corporation.

**SEC. 13.** The said board of directors shall at all times keep or cause to be kept at some suitable place, proper books of account, in which shall be registered all the transactions of the said board of directors.

**SEC. 14.** The said corporation shall not enter into any banking business for the purpose of issuing bills of credit.

**SEC. 15.** This act shall be, and is hereby declared a public act, and shall be taken notice of by all courts in this State as such, and the legislature reserves the right to amend or repeal the above charter, or any part thereof at any time hereafter.

**SEC. 16.** This act to be in force from and after its passage.

## CHAPTER LXXVI.

An Act to amend an act entitled, "an act to incorporate the town of Wilmington, in Dearborn county."

[APPROVED, JANUARY 29, 1842.]

*Be it enacted by the General Assembly of the State of Indiana,*  
That the trustees of said town of Wilmington, shall be, and they are hereby authorized to hold their first meeting, on the first Monday in March 1842, or on any day thereafter that they may agree upon. So much of the second section of the act to which this is an amendment as contravenes the foregoing provision is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER LXXVII.

An Act to incorporate the trustees of the New Albany Theological Seminary.

[APPROVED, JANUARY 29, 1842.]

WHEREAS, It is represented to this general assembly, that the ministers and elders of the synod of the Presbyterian church in the State of Indiana, associated with the ministers and elders of divers other synods of said church in the valley of the Mississippi, have resolved to establish, and in fact have now in operation in the city of New Albany, a Theological Seminary, for the purpose of educating young men for the gospel ministry, and that from the scattered situation of said ministers and elders, and from other causes, they find it very difficult, if not impossible, to manage the property and funds which have accrued, or which hereafter may accrue, to said seminary, by donation, or otherwise, in a way best calculated to effect the object of its benevolent patrons, Therefore,

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That Charles Woodruff, William Plumer, John Bushnell, James Wood, Sylvester Scovel, Mason C. Fitch, Pleasant S. Shields, Henry B. Shields, and William A. Scribner, and their successors in office be, and they are hereby made and constituted a body politic and corporate in law and in fact, to have continuance forever by the name and style of the trustees of the New Albany Theological Seminary, and by the name and style aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded in any court, or before

any judge or justice in all, and in all manner of suits, pleas, or complaints of whatsoever nature or form they may be.

*SEC. 2.* The board of directors of said seminary chosen by the synods aforesaid, in accordance with the plan of union adopted by them, as it now exists, or as it may by amendments hereafter exist, shall have the power in their discretion at any regular meeting of their board in each and every year annually, to change one third of said trustees by the appointment of others, as also to fill all vacancies which may occur; but the said trustees, shall hold their offices until their successors are appointed.

*SEC. 3.* The said corporation, and their successors, shall be capable and able to have, receive, take, hold and enjoy any lands, tenements or hereditaments, moneys or goods and chattels by the gift, grant, bargain, sale, release, devise, or bequest of any person or persons, bodies politic or corporate, to be laid out and disposed of for the use and benefit of said seminary, agreeably to the intention of the donors: *Provided*, That the real estate held at any one time by this corporation, exclusive of that which is necessary for its academic buildings, and the domiciles of its officers, shall not exceed in yearly value, the sum of five thousand dollars.

*SEC. 4.* That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise, or bequest to or from the said corporation, provided the intention of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

*SEC. 5.* The said corporation, and their successors, shall have full power and authority to make and use one common seal with such device and inscription as they shall think fit and proper, and the same to break, alter, and renew at their pleasure, and until an engraved seal shall be procured, a scrawl or wafer seal used in its stead shall be equally binding and obligatory.

*SEC. 6.* The said corporation, and their successors, are hereby authorized and empowered to appoint its own officers, and to make, ordain, and establish such by-laws, rules, and regulations, for its own government and management of the pecuniary concerns of said seminary as they shall think proper: *Provided*, That the same be not repugnant to the constitution and laws of the United States, to the constitution and laws of this State, or the plan of union of the synods as aforesaid, as the same now exists, or as by amendment it may hereafter exist.

*SEC. 7.* This act shall take effect and be in force from and after its passage, and be subject to amendment or repeal at the pleasure of the General Assembly of the State of Indiana.

## CHAPTER LXXVIII.

An Act incorporating the Vincennes Historical and Antiquarian Society.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That John Law, Abner T. Ellis, Samuel Hill, David Glass, John B. Martin, together with their associates, members of the Vincennes Historical and Antiquarian Society, are hereby created and constituted a body politic and corporate, by the name and style of "The Vincennes Historical and Antiquarian Society;" and by such name are authorised to have and use a common seal; to sue and be sued, defend and be defended, in all courts of judicature whatever; and to hold, purchase, receive, transfer and enjoy any property, real and personal: *Provided, however,* They shall at no time hold, neither in their own right nor in any other right, more real estate than may be necessary for the erection of a suitable building for the preservation of their historical, mineralogical, and other collections.

**SEC. 2.** The said managers shall administer the concerns of the society according to the provisions of this charter and the laws ordained by the members at their different meetings. They may appoint such officers as they may deem necessary, and adopt such by-laws and other regulations as may promote the interest of the society.

**SEC. 3.** The interest of the members in such society shall be transferable, under such rules and restrictions as the managers may prescribe, and shall, on the death of any member, descend and be distributed like other property.

**SEC. 4.** The Legislature reserves to itself the right to alter, amend, or repeal this charter at any time.

## CHAPTER LXXIX.

An Act to amend an act entitled "an act to incorporate the Indiana Manufacturing Company," approved February 17, 1838.

[APPROVED, JANUARY 29, 1842.]

*Be it enacted by the General Assembly of the State of Indiana,* That the name *John Spencer* in the third section of an act to incorporate the Indiana Manufacturing Company, is hereby changed to *Isaac Spencer*, and the thirteenth section of the above named act is hereby

repealed; *Provided, however,* That the legislature reserves the power to alter or amend this act.

This act to take effect and be in force from and after its passage.

## CHAPTER LXXX.

An Act for the relief of borrowers of the loan office funds of the State of Indiana.

[APPROVED, JANUARY 15, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the day of sale for the non-payment of principal and interest, by virtue of mortgages given to the superintendent of the loan office, and treasurer of State, on which forfeitures have occurred, and now advertised to be sold on the fifteen of January, be postponed until Saturday, the twenty-fifth day of June, 1842.

**Sec. 2.** This act to be in force from and after its passage.

## CHAPTER LXXXI.

An Act for the relief of late collectors of State and county revenue.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the late collectors of the State and county revenue, for the years eighteen hundred and thirty-nine, and eighteen hundred and forty, in all cases where the said collectors have settled and paid to the proper authority, the State and county revenue for said years, they are severally authorized and empowered, to collect all taxes due and unpaid, from the several persons legally charged therewith, on the transcript of the assessment rolls for said years, by demand of the several persons entitled to pay the same, and by distress and sale of their goods and chattels respectively, in the same manner as they might or could have done in the years for which they were appointed.

**Sec. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER LXXXII.

An Act for the relief of John Tate.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the Fayette circuit court, upon the trial of a certain action of trespass on the case, now pending in said court, in which the State of Indiana is plaintiff, and John Tate the recorder of said county is defendant, be, and they are hereby authorized and required to admit under the general issue, any legal evidence to establish the fact, that a certain false and fraudulent affidavit was made by one Asher Cox, stating in substance, that there was no mortgage on certain real estate, by him proposed to be mortgaged, for the purpose of procuring a loan from the sinking fund, which was not fully satisfied; and upon that fact being satisfactorily established, it shall be deemed and taken as a good defence to said action, and judgment shall be rendered accordingly; but said recorder shall pay all costs of suit, for which judgment shall be rendered against him.

**SEC. 2.** This act shall be in force from and after its passage.

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## CHAPTER LXXXIII.

An Act for the relief of the late collector of Fayette county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That William Dickey, the collector of Fayette county for the years 1837 and 1839, for the collection of all taxes, interest and penalties thereon, that may be due and unpaid, in said county, for each of said years, shall have the benefit of the laws enacted at the last session of the General Assembly, for such collections as are by said laws provided for the county treasurers, when the payment of taxes may be neglected until after the 25th day of December in each year.

**SEC. 2.** That in all cases where it may be requisite, for want of personal property, to make the taxes, interest, and penalties thereon due as aforesaid, out of the real estate on which the same was assessed, it shall be lawful for said collector to collect the same by sale of such real estate, after advertising the same, agreeably to the provisions of the act subjecting real and personal estate to execution, approved February 4, 1831; and all sales and conveyances so made shall be valid.

**SEC. 3.** That it shall be lawful for the board doing county business in said county, to make the said collector an allowance for any

amount of taxes that may have accrued to the State and county in each of said years and for which said collector may now be responsible, and which he may satisfy said board, by his own oath or other testimony, he has not been, and will not in any reasonable time be able to collect in consequence of any cause whatever, other than the want of due diligence on his part: *Provided*, That the allowance so made shall not exceed one hundred and thirty-four dollars.

**SEC. 4.** This act shall be in force from and after its passage.

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## CHAPTER LXXXIV.

An Act for the relief of the owners of certain lots in the town of Indianapolis.

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the owners of lots lying on Osage alley, running north and south between Mississippi and Missouri streets, in Indianapolis, be and they are hereby authorised and permitted, at their own expense, to fill up a large ditch, cut by order of the board of internal improvement for the purpose of draining a slough, but which object was afterwards abandoned.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER LXXXV.

An Act for the relief of Solomon Russell, late collector of Lake county and his securities.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the returns of delinquencies made by Solomon Russell, collector of the state and county revenue within and for the county of Lake, for the year eighteen hundred and thirty-nine, be and the same are hereby legalized.

**SEC. 2.** That whenever the said Solomon Russel or Joseph Jackson and William W. Payne, his securities, or either of them, shall pay or cause to be paid to the proper person or persons all costs and charges that may have accrued in the prosecution of a certain action in the Lake circuit court against them and in favor of the State of Indiana, on the relation of Martin Greenman, treasurer of said county

of Lake, wherein judgment was rendered against them at the February term of said court, in the year of our Lord eighteen hundred and forty-one, together with such sum as the prosecuting attorney may be entitled to by law for prosecuting said action, it shall be the duty of said court to direct satisfaction of said judgment to be entered upon the records thereof, and the said defendants shall thenceforth be acquitted and discharged from any and all liability thereon, the same as if such judgment had never been rendered.

**SEC. 3.** This act to take effect and be in force from and after its passage, and the Secretary of State shall forward a certified copy of the same to the clerk's office of said county.

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## CHAPTER LXXXVI.

An Act for the relief of David Sutton, Sen.

[APPROVED, JANUARY 31, 1842.]

*Whereas*, One William Sutton, deceased, did in his lifetime, mortgage to the school commissioner of Fayette county, 164 acres of land, lying and being the north-west quarter of section 22, town 14, range 13; the above land being now about to be exposed to sale and one year's stay of proceedings being prayed for, in order to raise the money: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all proceedings in the case above described be, and the same are hereby suspended for the term of twelve months.

**SEC. 2.** This act to take effect and be in force from and after its passage;—and the Governor be requested to forward a copy of the same to said commissioner.

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## CHAPTER LXXXVII.

An Act for the relief of Abraham Perkins, collector of the State and county revenue in the county of Daviess for the year 1840.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Abraham Perkins, the collector of the State and county revenue of the county of Daviess for the year 1840, be allowed until the sec-

ond Monday of May, 1843, to settle with the board doing county business for the county of Daviess, and that all and every of such rights, as did belong to such collector in the year 1840 or 1841, as relates to the collecting of the revenue as aforesaid, be extended to the aforesaid collector..

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER LXXXVIII.

An Act for the relief of the late collectors of the State and county revenue for the county of Orange for the years 1839 and '40.

(APPROVED, JANUARY 29, 1842.)

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That by this act, power and authority are hereby extended to the collectors of Orange county to collect all arrearages now due and unpaid for the years 1839 and '40, in the same manner as if their term of service as such had not expired; *Provided*, That the same be collected within two years from and after the passage of this act.

**SEC. 2.** This act to be in force from and after its passage.

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## CHATER LXXXIX.

An Act for the relief of Samuel H. Bratten.

[APPROVED, JANUARY 17, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of Madison county be, and they are hereby authorized and required on bill regularly filed, to hear and determine the application of Samuel H. Bratten for a divorce from Ellen Bratten, his wife, and to order and decree a dissolution of the banns of matrimony the same as if two years had elapsed since their separation: *Provided*, The said Samuel H. Bratten shall show sufficient cause to warrant the court in making such decree.

**SEC. 2.** The said complainant on the filing of his bill, shall give to the said defendant ten days notice by subpoena in chancery, and shall furnish her with a copy of his bill.

**SEC. 3.** This act to be in force from and after its passage.

## CHAPTER XC.

An Act for the relief of the widow and heirs of John Reasoner deceased.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the administrators of the estate of John Reasoner deceased, late of Delaware county, be, and they are hereby authorized and empowered to file in the Probate court of Delaware county, their bill praying the court to rescind a contract, for the exchange of a certain farm in said county, for a lot in Elizabethtown, and saw mill, made by the said John Reasoner, in his life time, with one Joseph Wilson, junior; and the court, with the consent of the said Joseph Wilson, junior, and all other persons interested, may order and decree the rescission of the said contract, if the said court shall deem it to be of advantage to the said widow, and heirs, and may appoint the necessary commissioners to re-convey the same, and to fully carry out the intentions of this act.

## CHAPTER XCI.

An Act for the relief of the heirs and legal representatives of Martha Wilson deceased.

[APPROVED, JANUARY 13, 1842.]

**WHEREAS**, The east half of the northeast quarter of section six, of township number eight, north of range number six east, in Bartholomew county, was owned in fee by Martha Wilson, who is now deceased; and, whereas, during the sickness of the said Martha, previous to her death, the taxes were not paid on said land by any one, and consequently it was returned to the school commissioner of Bartholomew county, and cannot be redeemed without paying a large amount of penalty, and per centage in addition to taxes, for the four years in which it was returned, viz: 1837, 1838, 1839, and 1840, without legislative aid: Wherefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the heirs or legal representatives of Martha Wilson, late of Scott county deceased, be, and they are hereby authorized to redeem the east half of the northeast quarter of section six, of township number eight, north of range number six, east, in Bartholomew county, upon paying the amount of State, county, and road tax, due and in arrear against the same, without being required to pay the penalty and per centage mentioned in the "act to provide a fund to encourage common schools," approved, February 2, 1832, and those acts supplementary thereto.

**SEC. 2.** That upon the payment of the tax as in the first section mentioned, it shall be the duty of the school commissioner of Bartholomew county, to give to said heirs, or representatives of Martha Wilson aforesaid, a re-

ceipt for the payment of such taxes, and to enter upon his books that said land is redeemed, any thing in any act or part of an act to the contrary notwithstanding.

**SEC. 3.** This act to take effect and be in force, from the time a certified copy thereof, is filed in the clerk's office of Bartholomew county.

## CHAPTER XCII.

An Act for the benefit of the legal heirs of Charles Phillips deceased.

[APPROVED, JANUARY 21, 1842.]

**WHEREAS**, On the sixteenth day of January 1819, and at various other times between that date, and the month of August 1824, Charles Phillips a native of England, in Great Britain, purchased a number of lots of ground, and tracts of land in Gibson county, in this State. And whereas, it is doubtful whether the said Charles Phillips had, at the time of making said purchases, made a declaration of his *bona fide* intention of becoming a citizen of the United States, although he, the said Charles Phillips afterwards, to-wit: at the August term 1824, of the circuit court of said county of Gibson, took the final oath, and was duly admitted a citizen of the United States: Wherefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the said Charles Phillips shall be taken, deemed and considered as having been a legally naturalized citizen of the United States, on the said sixteenth day of January, 1819, and at the several dates of making said purchases, and as having been seized and possessed of an estate of inheritance, in fee simple of, in, and to said lots, lands, and tenements at the time of making said purchases; and the said lots and tracts of land shall descend in the same manner, and to the same person or persons, as if the said Charles Phillips, had been a duly naturalized citizen of the United States, at the time of making said several purchases.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

## CHAPTER XCIII.

An Act for the relief of James R. McCord.

[APPROVED, JANUARY 20, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall and may be lawful for James R. McCord of Elkhart county, to pay any and all interest due and to become due by him and his partner, George Crawford, on account of purchase money, or money borrowed by him and said Crawford, of the school fund belonging to township No. 36 north, of range six east, in Elkhart county, at any time before the first day of May next; and when the same shall be so paid, it shall be of the same force and effect, and to all intents and purposes as valid as if the same had been paid at the time it became due under existing laws, and be in full of all forfeitures and damages now existing and due by reason of nonpayment thereof.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER XCIV.

An Act for the relief of purchasers of land at school commissioner's sale in St. Joseph county

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Albert Munson, school commissioners of said county, or his successor or successors in office be and he is hereby required to refund and pay over to the purchasers of lands sold by him, as school commissioner, by virtue of a judgment rendered by the St. Joseph circuit court, on the eighth judicial day of the April term of said court for the year 1840, the amount of such purchase money so received by him from said purchasers: *Provided, however,* The said sums have not been appropriated previous to the passage of this act to the purposes prescribed by law, by said commissioner or his successor or successors in office.

**SEC. 2.** That the sale of lands under the judgment aforesaid, and all conveyances made by said school commissioner or his successor, in pursuance thereof be and the same are hereby declared void, and the title to said lands shall be, upon the purchase money being refunded, as aforesaid, in the original owners thereof, as fully as if said sale had never taken place; and it is hereby made the duty of the

present school commissioner to adopt measures to collect such delinquent taxes as is prescribed by the existing laws.

**SEC. 3.** This act to be in force from and after a copy thereof is filed in the clerk's office in St. Joseph county, and published in the South Bend Free Press, which publication shall be paid for by said purchasers.

## CHAPTER XCV.

An Act for the Relief of Purchasers of Lots in the town of Indianapolis.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That purchasers of lots in the town of Indianapolis laid off and sold under the provisions of "an act to authorise the purchase of a suitable residence for the Executive of the State of Indiana," approved Feb. 13, 1839, be and they are hereby allowed the further time of five years to pay to the State the remaining instalments due on said lots, by the payment of seven per cent. interest in advance; and in all cases where any such lots may have been forfeited for non-payment of any instalment due on any such lots, the State hereby relinquishes any right that may have accrued to her by reason of any such forfeiture, and the owners of such lots (before such forfeiture) shall be allowed the said term of five years to pay such instalments.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER XCVI.

An Act for the relief of the heirs of Daniel Larimore, deceased.

[APPROVED, JANUARY 4, 1842.]

*Whereas,* It is represented to this General Assembly that Daniel Larimore, late of Boone county, Indiana, deceased, died possessed of a large assortment of dry goods and other personal property; that since his decease, his son, Joseph Larimore, has taken out letters of administration on the estate of said decedent from the probate court of said Boone county; and has had the personal property of said

estate regularly appraised according to law. *And whereas,* Also, it is represented that a portion of the heirs of said decedent are of full age and a portion of them minors ; and that the deceased left a widow. *And whereas,* Also, it is represented that it is the wish of the said widow and the said heirs who are of age, to sell said personal property at private sale: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Larimore as administrator of Daniel Larimore, late of Boone county, deceased, be, and he is hereby authorized to sell the personal property belonging to the estate of said Daniel Larimore at private sale for cash, or on a credit of not more than one year, at the discretion of the said Joseph Larimore ; the said administrator in case of selling on credit, taking notes or bonds with good security for the payment of the same.

**SEC. 2.** That before the said administrator shall proceed to sell the said personal property he shall procure the consent of the widow and all the heirs of said Daniel Larimore who are over the age of twenty-one years, and the consent of such persons as may be security in the administration bond of said Joseph Larimore, to said sale ; which consent shall be in writing and filed in the clerk's office of said county of Boone.

**SEC. 3.** This act to be in force from and after its passage.

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## CHAPTER XCVII.

An Act for the relief of Patrick Rush.

[APPROVED, JANUARY 4, 1842.]

*Whereas,* It is represented to this General Assembly, that Patrick Rush, a native of Ireland, emigrated to this State, and without having been naturalized, or making a declaration of his intention of becoming a citizen of the United States, purchased certain lands lying in the county of Daviess and State of Indiana, containing by estimate one hundred and twenty acres, and died, leaving a widow and four children, who cannot inherit the said land because the said Patrick was an alien ; Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the widow and children of the said Patrick Rush shall take the same title and interest in and to said land, above referred to, that they and each of them would have taken, if the said Patrick Rush had been at the date of said purchase and death, a natural born citizen of the United States : *Provided,* The said land shall also in like manner be subject to the payment of all just debts owing by the said Patrick

at the time of his death, whether then due or not ; any law to the contrary notwithstanding.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER XCVIII.

An Act for the relief of Patrick Eagan.

[APPROVED, JANUARY 4, 1842.]

*Whereas,* It is represented to this General Assembly, that Patrick Eagan, a native of Ireland, emigrated to this State and without becoming naturalized or declaring his intention of becoming a citizen of the United States, purchased certain lands lying in the county of Daviess in this State, containing about four hundred acres, and died, leaving a widow and children, who by reason of the said Patrick Eagan being an alien, cannot inherit said lands ; Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the widow and children of the said Patrick Eagan shall take the same title and interest in, and to said lands above referred to, that they and each of them would have taken if the said Patrick Eagan had been at the date of the said purchase and death, a natural born citizen of the United States ; *Provided,* The said lands shall also, in like manner, be subject to the payment of all just debts owing by the said Patrick at the time of his death, whether then due or not ; any law to the contrary notwithstanding.

**SEC. 2.** This act shall be in force from and after its passage.

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## CHAPTER XCIX.

An Act for the relief of Huntington county.

[APPROVED, JANUARY 25, 1842.]

*WHEREAS,* The construction of the Wabash & Erie canal across Clear creek, in the county of Huntington, has by the building of a dam to make a feeder of said creek, destroyed the ford where the road crosses said creek. And whereas, also, the construction of said canal in said county, about two miles below said creek, occupies the ground where the State road was laid, and had been improved at a great expense, between a very high bluff of land and the Wabash river, by reason of which the citizens and travellers are obliged to go round said bluff, two and a half miles to advance one half

mile. And whereas, the law providing for the construction of said canal, makes it the duty of the canal commissioner, where the canal interferes with any State road, that no public highway which is established by law, shall be obstructed, until a new road intended as a substitute, shall be opened and made passable. And whereas, said commissioner failed to comply with the above recited law: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the State agent of the Wabash & Erie canal, be required to pay to the order of the county commissioners of Huntington county, the sum of six hundred dollars, out of any moneys appropriated for the repairs of said canal, for the purpose of building a bridge across said Clear creek, and four hundred dollars to aid in making a road over said bluff.

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## CHAPTER C.

An Act for the relief of certain persons therein named.

[APPROVED, JANUARY 17, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the board doing county business within and for the county of Wabash, to make a thorough examination into the separate amount of taxes paid by Jonathan Mount and David Mount for five years last past, for lands subject to taxation in said county, belonging to the said Jonathan or David, for State, county, road and school purposes, and also to ascertain the separate amount of taxes that they were severally liable to have paid in said county for the purposes aforesaid, designating the amount due from them for the purposes aforesaid each year separately, and also to ascertain what taxes, interest and penalties have been illegally and erroneously demanded of the said Jonathan or David, and paid over to the several officers of said county from time to time, by either of them or their agents.

**SEC. 2.** And on such examination, if it shall appear to the board doing county business in said county of Wabash, that the said Jonathan Mount or David Mount has paid money over to any of the officers of said county who were authorized to collect and receive the taxes due in said county, for the years aforesaid, for State, county, road or school purposes when none was due, or more than was due, or in any manner whatever, it shall be the duty of said board, to allow to the said Jonathan or David, the full amount of money so as aforesaid wrongfully received as aforesaid, and make an order that the amount thus paid for county and road taxes, and to the school commissioner, erroneously, be forthwith paid over to the said Jonathan Mount or David Mount out of the county treasury of said coun-

ty of Wabash, and the amount paid by them erroneously in said county for State taxes during the time aforesaid, shall be by said board certified to the Auditor of State, and by him be audited and paid out of the State Treasury by the Treasurer of State to the said David Mount or Jonathan Mount.

**SEC. 3.** And on such examination, if it shall appear to the board doing county business in said county, that owing to any mistake committed by any of the officers of said county authorized to assess or collect the taxes for said county during the time aforesaid, that the taxes assessed by the proper authorities of said county on the lands of the said Jonathan Mount or David Mount were not demanded of and paid by them, then and in that case, it is hereby made the duty of said board to deduct the excess of the penalties and per-cent-age over and above six per cent per annum from the time the same became due until they were actually paid by the said Jonathan or David or their agents: *Provided*, That nothing in this act shall be so construed as to entitle said David or Jonathan Mount to the reimbursement of any per-cent-age, or penalties that may have been charged and collected on account of the neglect of themselves, or agents.

**SEC. 4.** This act shall take effect and be in force from and after its publication.

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## CHAPTER CI.

An Act for the relief of William Alexander.

[APPROVED, JANUARY 15, 1842.]

WHEREAS, The State of Indiana obtained (at the Sept. term of the Monroe circuit court) a judgment at law, by confession, against William Alexander, as commissioner of the reserved township of land, in Monroe county, Indiana, on his official bond: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of State be, and he is hereby authorized and required (when he shall be satisfied upon actual view or otherwise, that the lien of such official bond, and the judgment aforesaid, upon said William Alexander's real estate, is abundantly sufficient to satisfy such judgment aforesaid, together with all interests, damages, and costs that have or may accrue thereon) to extend the time for final payment of such judgment, for the term of three years, by said Alexander promptly paying the interest thereon in advance. Also, said Alexander shall pay all the costs that have now accrued, within one hundred and twenty days after the passage of this act.

**SEC. 2.** After the said Auditor of State shall be so satisfied as in the first section provided, he shall release the personal securities of the said William Alexander, from any and all liability in, or upon such judgment aforesaid.

**SEC. 3.** Said William Alexander if he accepts the provisions of this act,

shall, instead of paying six per cent. on such judgment as now fixed by law, pay the same rate of interest, as is now required to be paid by borrowers of the college funds.

**SEC. 4.** If at any time the said William Alexander should fail for the term of twenty days, to pay the said interest as aforesaid in advance, it shall be the duty of the Auditor of State, forthwith to order to be issued an execution, and said property so bound by said lien aforesaid, together with all other property said Alexander may have at the time, to be sold for the best price it will bring.

**SEC. 5.** This act to take effect and be in force from and after its passage.

### CHAPTER CII.

A Joint Resolution for the relief of Alexander Beard.

[APPROVED, DECEMBER 30, 1841.]

*Be it resolved by the General Assembly of the State of Indiana,* That the canal commissioner be, and he is hereby required to settle with Alexander Beard, for work done by said Beard on the Eel river feeder dam, by the same rule of measurement that has been usual on other works of a similar character throughout the State, deducting twenty per cent. from said measurement.

### CHAPTER CIII.

An Act for the relief of Pliny Hudson.

[APPROVED, DECEMBER 29, 1841.]

*Whereas,* It is represented to this General Assembly that heretofore one John Gray purchased a certain tract of land, lying in the county of Laporte and State of Indiana, and received a deed for the same from the vender, Sylvanus Everts, which purports to convey the said land from the said Everts to the said Gray, in fee simple: *And whereas,* also, it is represented that the said Gray, after said purchase, sold said land to one Elijah P. Hudson, and executed and delivered a deed for the same to said Hudson, intending to convey to the said Hudson the said land in fee simple: *And it is also represented that the said Gray was,* at the time of his said purchase, and is yet, an alien, and cannot by the laws in force in this State hold land in fee simple: *Therefore,*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all the right and title which the State of Indiana has or may have in and to the said land above referred to be and the same is hereby vested in the said Elijah P. Hudson and his heirs and assigns forever; *And* the said deed from said Everts to the said Gray, and from the said Gray to the said Hudson, shall convey to the grantee of said deeds respectively, his heirs and assigns, such estate as would pass by the terms of said deeds respectively, if the said Gray had been at the time of his purchase and sale a natural born citizen of the United States, any law to the contrary notwithstanding.

This act to be in force from its passage.

### CHAPTER CIV.

An Act for the relief of Sarah Smith of Greene county.

[APPROVED, JANUARY 29, 1842.]

*SEC. 1.* *Be it enacted by the General Assembly of the State of Indiana,* That the bans of matrimony now existing between Sarah Smith and George Smith of the county of Greene be and the same are hereby dissolved to all intents and purposes.

**SEC. 2.** This act to be in force from and after its passage.

### CHAPTER CV.

An Act for the relief of George Miller of Johnson county.

[APPROVED, JANUARY 29, 1842.]

*Whereas,* It is represented to this General Assembly, that John Tiller, formerly of the county of Johnson in this State, purchased of the school commissioner of that county lot numbered six (6) in school section numbered 16, township 11, range 4, in said county, and made part payment therefor, and afterwards sold the same to George Miller of the same county, and removed to Kentucky, but entered a transfer of said land on the book of said school commissioner; but the original certificate given him by said school commissioner is either lost or said Tiller has taken it with him, and the said commissioner refuses to convey said land to said Miller without a return of said certificate: *Therefore,*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,*

That the school commissioner of said county of Johnson is hereby authorized and required to convey said lot, No. 6, above described to the said George Miller and his heirs forever in fee simple.

SEC. 2. This act to be in force from its passage.

## CHAPTER CVI.

An Act for the relief of John Brown.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county auditor of the county of Marshall, be, and he is hereby authorized to correct a mistake, in the assessment of the north half of the northeast fractional quarter of section fourteen, east of the Michigan road, of lands selected in the Indian country, containing 154 48-100 acres for the year 1839, and to put the valuation thereof at the sum of three hundred dollars.

SEC. 2. And it shall be lawful for John Brown the owner thereof, to pay to the county treasurer of said county, the amount of tax which would have been assessed thereon, if the same had been so valued at three hundred dollars as aforesaid, according to the levy and assessment of said years, with six per cent. interest thereon, within three months from the passage of this act; and the same when so paid, shall be in full discharge of all taxes, assessments, damages, and interest and costs, to which the said land is now liable, for said year 1839.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CVII.

An Act for the relief of the inhabitants of school district No. (4) four, in Congressional township No. (2) two, north of range No. (1) one west, in Orange county.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of school district No. four, in Congressional township No. (2) two, north of range No. (1) one west, in Orange county, shall have power to erect a school-house in addition to the county seminary, now adopted by said district as a school-house, at or near the centre of said district, which together with the seminary, shall be the district school-houses for said district; and it shall be lawful for the inhabitants of said district, to send to

school at either of said houses, at any and all times, when there is a school taught therein.

SEC. 2. And it shall be the duty of the teachers at each of said school-houses, to keep an accurate account of the number of days taught by him, to each pupil residing in said district during the year, which shall begin and end on the first day of March in each year, at the end of which, the said teachers shall make out and certify a statement, of the number of days taught to each pupil, to which he shall be sworn; which statement shall be given to the district treasurer, who shall divide the funds belonging to said district, among the several pupils so sent to school, in proportion to the number of days taught to each child, which funds shall be divided in the month of March in each year.

SEC. 3. All acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

## CHAPTER CVIII.

An Act to authorize the children of Joseph Richardville to inherit the property of their ancestors.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the children of Joseph Richardville deceased, a Miami Indian, shall inherit the real and personal estate of their deceased ancestor, under the provisions of an act regulating descents, distribution and dower, approved, February 17th, 1838, in the same manner as if they had been citizens of the United States; and any land that may have escheated to the State, is hereby released and confirmed to said heirs forever.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CIX.

An Act to change the name of Mary Smith to that of Mary Smith Chamberlain.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Mary Smith, of Goshen, Elkhart county, Indiana, and daughter of Russel L. Smith deceased, be, and the same is hereby changed to the name of Mary Smith Chamberlain, and by said name she shall be known and recognized, and shall enjoy all the rights and privileges, both in law and equity, to which in any respect she would otherwise be entitled.

## CHAPTER CX.

An Act for the relief of the Widow, Heirs, Administrators, and Securities of James H. Wallace, deceased.

[APPROVED, JANUARY 29, 1842.]

*Whereas*, James H. Wallace, (now deceased) was collector of the revenue for the county of Jefferson for the years 1825 and 1826, and as such collector, failed to pay over to the Treasurer of State, in the time prescribed by law, the sum of one thousand and twenty-nine dollars and sixteen cents, the amount of the state revenue in the county aforesaid for the years aforesaid; *And, whereas*, afterwards, on the twenty-fifth day of July, 1827, the State of Indiana obtained judgment, in the Jefferson circuit court, against the said James H. Wallace and his securities for said sum of one thousand and twenty-nine dollars and sixteen cents, the actual amount of revenue, and the further sum of one hundred and eighty-eight dollars and thirteen cents, the damages thereon; *And, whereas*, the said James H. Wallace, in his life time, fully paid and satisfied the principal of said judgment, and the judgment yet remaining open as to the said sum of one hundred and eighty-eight dollars and thirteen cents, damages thereon: *Therefore*,

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana*, That the clerk of the Jefferson circuit court is hereby authorised to enter full satisfaction of said judgment, or so much thereof as comprises the damages in said case. And the widow, heirs, administrators and securities of the said James H. Wallace are hereby forever released from all liabilities on account of the damages assessed on said judgment.

*Sec. 2. This act to be in force from and after its passage.*

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## CHAPTER CXI.

An Act for the relief of Erastus D. Townsend.

[APPROVED, JANUARY 29, 1842.]

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Gibson county in this State be, and they are hereby authorized and empowered to make such additional allowance to Erastus D. Townsend, for furnishing stone for the bridge across Patoka in said county, as they may deem reasonable and just.

*Sec. 2. This act shall take effect and be in force from and after its passage.*

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## CHAPTER CXII.

An Act giving the collector of Decatur county for the year 1840, further time to collect the balance due said collector.

[APPROVED, JANUARY 26, 1842.]

*Be it enacted by the General Assembly of the State of Indiana*, That the collector of the State and county revenue of Decatur county for the year 1840, be allowed one additional year to collect the tax due said collector.

*This act to be in force from and after its passage.*

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## CHAPTER CXIII.

An Act for the relief of the trustees of the Mount Salem church, in Monroe county.

[APPROVED, JANUARY 26, 1842.]

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana*, That whenever any person or persons shall pay out the original purchase money, and interest on one acre of ground, out of the south half of the west half of the south-east quarter of section thirty-two, in the seminary township of land in Monroe county, commencing at the south east corner of said tract, and running due west to the Bedford road, thence north far enough only to include one acre, then the commissioner of said land shall give a credit on the original purchasers bond to the amount of one acre, at the original cost and interest: Whereupon said commissioner shall issue a certificate of purchase to the trustees of the Mount Salem Methodist Episcopal Church, and upon which they can proceed to obtain a deed as other original purchasers.

*This act to be in force from and after its passage.*

## CHAPTER CXIV.

An Act for the relief of Ebenezer S. Hawley, former collector of Ripley county.

[APPROVED, JANUARY 26, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,*  
That Ebenezer S. Hawley, former collector of the State and county  
revenue for the county of Ripley, is hereby granted an extension of  
time in which to collect and pay over the same for the term of six  
months from the passage of this act; and that he is hereby authorized  
and allowed to retain and use his duplicate for the above purposes,  
as though he had collected and paid over the same within the time al-  
lowed by law.

**SEC. 2.** Nothing in this act shall be so construed as to allow the  
said Ebenezer S. Hawley the privileges contained in the foregoing  
section of this act, until his securities have first filed their consent  
thereto in writing, under seal with the county auditor.

This act to take effect and be in force from and after its passage.

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## CHAPTER CXV.

An Act for the relief of Paris C. Dunning, assignee of Michael Keith.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,*  
That the commissioner of the reserved seminary township of land in  
Monroe county be, and he is hereby authorized to receive of Paris  
C. Dunning, assignee of Michael Keith, the interest due and unpaid  
on the residue of the purchase money for the west half of the south  
east quarter of section No. twenty-one in said township, in the same  
way and manner as if the same had not forfeited for the non-payment  
of interest thereon, and upon the payment of said interest to the  
commissioner aforesaid, all the rights and privileges in and to said  
land shall be vested in the same way and manner as if no forfeiture  
had occurred, *Provided*, Said interest be paid by the first day of June  
1842.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CXVI.

An Act for the relief of the owners of certain lots in the town of Bloomington.

[APPROVED, JANUARY 25, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,*  
That the old original survey made on the west side of Bloomington,  
Indiana, so far as the same relates or affects lots Nos. 73, 74, 75, 76,  
144, 143, 142 and 141 be, and the same is hereby established; any  
new survey since made to the contrary notwithstanding.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER CXVII.

An Act to remove the disability of Mary Ann Bruner.

[APPROVED, JANUARY 25, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,*  
That Mary Ann Bruner, a married woman, may file her bill or libel for di-  
vorce from her husband, in any court of competent jurisdiction and authori-  
ty in this State, immediately after the passage of this act, and her disability  
by reason of her husband not having absented himself from her, for two years  
next, preceding the filing of such bill or libel is removed. And the said court  
shall have full jurisdiction to hear and determine said cause, the same as if  
her said husband had resided two years within the State of Indiana.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER CXVIII.

An Act for the relief of John W. Hitt and others.

[APPROVED, JANUARY 22, 1842.]

**WHEREAS**, It is represented to this General Assembly, that because of the  
reversal of a certain judgment or judgments, of the Franklin circuit court,  
John W. Hitt and others have lost the purchase money, by them paid for cer-  
tain lots in the town of Brookville, the title to which, by said court had been  
adjudged to have vested in the State, because of the non-payment of taxes:  
Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Franklin county, be, and he is hereby directed and required to pay to John W. Hitt, William M. McCarty, or to other persons entitled to receive the same, out of any money which now is, or may hereafter come into his hands the full amount of money, with interest thereon at the rate of six per cent per annum, from the time of payment, paid to the school commissioner as the purchase money for any lots in the town of Brookville, the title to which may have vested in the State, for the non-payment of taxes; in all such cases wherein the judgment vesting the same in the State, may have been reversed by the supreme court, satisfactory evidence of such reversal, and the certificate or deed for the lot or lots, being presented to the commissioner by the person or persons claiming the money.

This act shall be in force from and after its passage.

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#### CHAPTER CXIX.

A Joint Resolution for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the State prison.

[APPROVED, JANUARY 22, 1842.]

*Be it resolved by the General Assembly of the State of Indiana,* That the Auditor of State be, and he is hereby authorized and required to audit, and the Treasurer of State to pay over to Samuel H. Patterson and Benjamin Hensley, late superintendents of the State prison, such amounts as may be justly due them, respectively from the State, as superintendents of the State prison, agreeably to the certificates given by the Auditor of Public Accounts, to the said Patterson and Hensley individually, dated on the 11th of November, 1840, and the 28th of December, 1841, with interest thereon at the rate of six per cent. per annum, on the respective claims and amounts from the dates thereof.

*Be it further resolved,* That the "joint resolution relative to the superintendents of the State prison," approved, February 15, 1841, be, and the same is hereby repealed.

This joint resolution to be in force from and after its passage.

#### CHAPTER CXX.

An Act for the relief of the members of the fire company, number one, in the town of Fort Wayne.

[APPROVED, JANUARY 22, 1842.]

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana,* That hereafter the members of fire company number one, in the town of Fort Wayne, during their continuance as such members, and the members of any other fire company, which may hereafter be organized in said town, be, and they are hereby exonerated from serving on juries, from the payment of road tax, except that assessed upon property, and from the performance of military duty in time of peace.

*Sec. 2.* This act to be in force from and after its passage, and may be amended, or repealed, at the pleasure of the legislature.

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#### CHAPTER CXXI.

An Act for the relief of the heirs of Robert Blair deceased.

[APPROVED, JANUARY 17, 1842.]

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana,* That the Secretary of State be, and he is hereby authorized to execute a title to the heirs of Robert Blair deceased, for the south half of the southeast fraction, east of the Michigan road, of section number twenty-two, of lands selected in the Indian country, containing fifty-eight acres; which land was originally purchased by David Shore, as appears by the certificate of William Polk, commissioner on the Michigan road, and assigned by the said David Shore to Abel C. Hickman, and by the said Hickman to the said Robert Blair deceased: *Provided*, That nothing in this act shall be so construed, as to prejudice the right of dower of the widow of said deceased.

*Sec. 2.* This act to take effect and be in force from and after its passage.

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#### CHAPTER CXXII.

An Act for the relief of William McClure of Franklin county.

(APPROVED, JANUARY 18, 1842.)

*Sec. 1. Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the circuit court of Franklin county, to take cogni-

zance of the case of William McClure, upon a petition of said William, for a divorce from his wife Minerva, upon the ground of abandonment, although said abandonment has not been for the term of two years, or upon any other good cause being shown, as in other cases; and grant to said William McClure a divorce, upon satisfactory cause being shown to said court. Said William McClure complying with the law now in force relating to the granting of divorces, in giving the necessary notice of the pending of said petition.

**SEC. 2.** This act to be in force from and after its passage.

### CHAPTER CXXIII.

An Act for the relief of George Miller, of Johnson county.

[APPROVED, JAN. 17, 1842.]

*Whereas,* It is represented to this General Assembly, that John Tiller, formerly of the county of Johnson, in this State, purchased of the school commissioner of that county lot numbered six, (6,) in school section numbered 16, township 11, range 4, in said county, and made part payment therefor, and afterwards sold the same to George Miller, of the same county, and removed to Kentucky, but entered a transfer of said land on the book of said school commissioner. But the original certificate given him by said school commissioner is either lost or said Tiller has taken it with him; and the said commissioner refuses to convey said land to said Miller without a return of said certificate: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of the said county of Johnson is hereby authorised and required to convey said lot No. 6, above described, to the said George Miller and his heirs for ever in fee simple.

**SEC. 2.** This act to be in force from and after its passage.

### CHAPTER CXXIV.

An Act to change the name of Austin Bush.

[APPROVED, JANUARY 17, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the name of Austin Bush, of Shelby county, Indiana, be and the same is hereby changed to that of Harrison Bigger Collins; and by said last mentioned name he shall hereafter be known and be

entitled to all the rights and privileges, and subject to all the penalties and liabilities he would have been if this act had not passed.

This act to take effect and be in force from and after its passage.

### CHAPTER CXXV.

An Act for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes, is hereby authorised to file her petition for a divorce from her husband, George N. McConnehay, in the Lawrence circuit court, and the said court is hereby authorized and empowered to take cognizance of the case and proceed to trial therein; and upon the said petitioner making satisfactory proof of abandonment by her said husband, with a declared intention on his part not to return and live with the said petitioner, then, and in that case, the said court is hereby authorised to grant the said petitioner a divorce from her husband, in the same manner as though said abandonment had been for the period of two years, as is now required by the general statute regulating the granting of divorces.

**SEC. 2.** This act to be in force from and after its passage.

### CHAPTER CXXVI.

An Act for the relief of Hugh and Robert Stewart.

[APPROVED, JANUARY 15, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board of internal improvements are hereby instructed to settle with H. & R. Stewart, according to the majority report of an arbitration held on the southern division of the central canal, sections 69, 70, 120, 121, 122, 123, 124 and 125; such board paying the necessary expenses connected with said arbitrations: *Provided*, That each arbitrator as aforesaid shall receive not exceeding three hundred and eighty dollars and execute receipts therefor to the proper authority: *And, Provided further*, That the allowance made said Stewarts by this act, is expressly upon the condition that said Stewarts have fully re-

linquished, or will relinquish said contracts, and execute receipts to the proper authority for the payment in full of all claim or claims as aforesaid.

Sec. 2. This act to be in force from and after its passage.

## CHAPTER CXXVII.

An Act for the relief of Samuel D. Gresham, collector of Carroll county.

[APPROVED, JANUARY 13, 1842.]

*Be it enacted by the General Assembly of the State of Indiana,*  
That Samuel D. Gresham, collector of the State and county revenue for the county of Carroll, for the years 1839 and 1840 be, and he is hereby allowed until the first day of November, 1843, to collect whatever amount of state and county revenue may be yet due from the tax payers of said county; and for the purpose of enabling him to make such collection, he is hereby invested, until the said first day of November, 1843, with the same powers which appertained to him as said collector for the years aforesaid.

This act to take effect and be in force from and after its passage.

## CHAPTER CXXVIII.

An Act to legalize the marriage of William Gapen and Malinda G. Moore.

[APPROVED, JANUARY 11, 1842.]

Whereas, A marriage license was regularly issued by the clerk of the Henry circuit court, authorizing the marriage of William Gapen and Malinda G. Moore, residents of said county; And, whereas, The said William and Malinda were duly married by Joseph Kelluman acting justice of the peace of said county of Henry, who, a short time after said marriage, vacated his said office and left the State of Indiana without having filed a certificate of said marriage in the clerk's office of said county of Henry: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,*  
That the said marriage is hereby declared to be as legal and valid as though a certificate thereof had been filed in the clerk's office of said county of Henry, by the said Joseph Kellum.

This act to be in force from and after its passage.

## CHAPTER CXXIX.

An Act declaring a certain name, a misprint.

[APPROVED JANUARY 6, 1842.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Benjamin F. Butts, in the first section of an "act concerning the estate of Benjamin F. Butts, deceased," approved Feb. 18, 1840, is hereby declared a misprint, and that the name of Benjamin F. Butts was intended to be Benjamin P. Butts.

Sec. 2. Any settlement or adjudication which has been made between James Worman of Clark county, and any of the courts of said county, relative to the estate of Benjamin P. Butts, deceased, be, and the same is hereby legalized.

Sec. 3. This act to take effect and be in force from and after its passage.

## CHAPTER CXXX.

An Act for the relief of Nancy Close, wife of Samuel Close, deceased.

[APPROVED, JANUARY 8, 1842.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Scott county, be, and he is hereby authorized to pay to Nancy Close, widow of Samuel Close deceased, the sum of twenty seven dollars; which sum was forfeited by said Close in his lifetime, out of any moneys in his hands belonging to congressional township 3, range 6 east, in said county.

Sec. 2. This act to be in force from and after a certified copy of said act is filed in the clerk's office of said county of Scott.

## CHAPTER CXXXI.

An Act for the relief of Charles Percell late collector of Posey county.

[APPROVED, JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Charles Percell, collector of Posey county, for the year A. D. 1840, be, and he is hereby authorized to collect the taxes levied upon non-resident land for said year, at any time during the year A. D. 1842, in the same manner as was provided by law for the collection of taxes for that year.

## CHAPTER CXXXII.

An Act for the relief of Samuel Snoddy, of Monroe county.

[APPROVED, JANUARY 8, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the reserved seminary township of land in Monroe county be and he is hereby authorised and directed to receive of Samuel Snoddy the interest due and unpaid on the balance of the purchase money for the east half of the north-east quarter of section No. twenty-three of the seminary township of land in Monroe county, in the same way and manner as if said land had not forfeited for the non-payment of interest thereon; and upon the payment of said interest to the commissioner aforesaid the said Samuel Snoddy shall be entitled to all the rights and privileges as if said interest had been paid according to the law on that subject: *Provided, however,* That said interest be paid by the first day of June, 1842.

This act to be in force from and after its passage.

## CHAPTER CXXXIII.

An Act for the relief the heirs and administrator of the estate of Cornelius A. Dumaree, deceased.

[APPROVED, JANUARY 6, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the reserved seminary township of land in Monroe county be and he is hereby authorised and directed to receive of the administrator or legal representative of the estate of Cornelius A. Dumaree, deceased, the interest due and unpaid on the balance of the purchase money for the east half of the south-east quarter of section No. twenty-two, in the reserved seminary township of land aforesaid, in the same way and manner as though said land had not forfeited to the State for the non-payment of the interest thereon; and upon the payment of said interest to the commissioner aforesaid, the administrator or heirs of said estate shall be reinstated to all the rights and privileges to said land as if the same had not forfeited: *Provided, however,* That said payment of interest be made thereon by the first day of June, 1842.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CXXXIV.

An Act to amend an act entitled an act for the relief of John Rodolph Fischli, approved, February 18, 1839.

[APPROVED, JANUARY 31, 1842]

WHEREAS, Said John Rodolph Fischli on or about the 6th day of November 1841 departed this life intestate and without issue:

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the estate which was of the said John Fischli deceased as did vest or would have vested in said John Rodolph Fischli under and by virtue of the act to which this is an amendment be, and the same is hereby declared to be vested in such other of the nephews and nieces of said John Fischli deceased, their heirs and assigns as have or shall within the time prescribed by said act come to the United States, and *bona fide* make their declaration to become citizens thereof in pursuance of said act: *Provided,* That nothing in the foregoing section shall be so construed, as to relinquish on the part of the State, the ground or any part thereof upon which the state prison is erected; but the said nephews and nieces

aforesaid, shall be required to convey in fee simple said ground upon which the state prison is erected, to the State of Indiana, before they shall be entitled to the benefit of this act.

**SEC. 2.** That it shall be lawful for any such nephew and neices of said John Fischli deceased as have already come, or may hereafter come, to the United States within the time prescribed in the act to which this is an amendment, after making their declaration to become citizens, to enter upon and take possession of said real estate and receive the rents, issues and profits thereof, and to sue for and recover said property, and to maintain all actions in respect thereof in the same manner and to the same extent as if he, she or they were the present owners in fee.

**SEC. 3.** Should any of the said nephews and nieces, or either or any of them of said John Fischli deceased, now be in, or hereafter, (within the time limited by the act aforesaid) come to the United States, and declare their intention to become citizens, and afterwards die without issue, the share of such nephew or niece dying without issue, shall go to the survivor or survivors, who shall have complied with the requirements of said act to which this is an amendment; but should such nephew or niece leave issue resident in the United States, such estate shall descend to and be inherited by such issue, unless the same be devised away by will.

This act to be in force from and after its passage.

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## CHAPTER CXXXV.

An Act for the relief of the school commissioner of Greene county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That in all instances where said school commissioner may have been unable to divide out the money to the several townships, and may have loaned the same out on real estate mortgage security, the same is hereby legalized.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER CXXXVI.

An Act in relation to granting license in the county of Marion.

(APPROVED, JANUARY 8, 1842.)

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the proviso of the seventeenth section of an act pointing out the mode of levying taxes, approved February 12, 1841; and the proviso to the fifth section of an act to license and regulate taverns and groceries, approved February 3, 1832, authorizing a majority of the house-holders and free-holders of any town or township to remonstrate against the granting of licenses to taverns or groceries to vend spirituous liquors be, and the same is hereby repealed (so far as the same relates to the county of Marion.)

**SEC. 2.** That any order which may heretofore have been granted by the board doing county business (of the said county of Marion) be, and the same is hereby declared to be null and void.

**SEC. 3.** The board doing county business (in the said county of Marion) be, and they are hereby required to grant licenses to taverns and groceries, on all applications under the provisions and restrictions of an act entitled "an act to license and regulate taverns and groceries, approved February 3, 1832," except so far as the same is repealed by this act; and all applications for licenses as aforesaid, which shall be made in vacation, the clerk shall grant a permit to such applicant until the next session of the board: *Provided*, He, she or they, bring themselves within the provisions of the act, requiring them for such time to pay into the county treasury at the rate of twenty-five dollars per annum for such license, until the price shall be fixed by such board.

**SEC. 4.** This act to be in force from and after its passage, (and a copy thereof shall be filed in the clerk's office of Marion county.)

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## CHAPTER CXXXVII.

An act to authorize the board of county commissioners of Hendricks county to rescind an order by them heretofore made.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of the county of Hendricks at their next session after the passage of this act, or at some regular session thereafter may, if they deem the same expedient, make an order rescinding an order made by them at a special session of said board,

held on the second Monday in August, 1841, which order directs or instructs the agent of the surplus revenue of said county to deposit the surplus revenue belonging to said county in the branch of the State Bank of Indiana at Indianapolis, and the said board of commissioners for said county is hereby authorized to retain the said surplus revenue in said county of Hendricks, and to be loaned in the same manner as though said order had not been made, and under the same restrictions as is now authorized by the several laws in force on that subject.

**SEC. 2.** This act shall take effect and be in force from and after its passage, and the filing of a certified copy of this act in the auditor's office of said county; and it is hereby made the duty of the Secretary of State to transmit a copy of this act to the auditor of said county forthwith.

### CHAPTER CXXXVIII.

An Act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river Bridge, in Marion county.

(APPROVED, JANUARY 17, 1842.)

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That David Bowers and Banner Lawhead, late commissioners appointed under an act approved, February 12, 1838, (chapter 88, of local laws of 1838, and an act approved February 16, 1839, chapter 87, of local laws of 1839,) to superintend the erection of a bridge over White river, at the crossing thereof of the Michigan road, be, and they are hereby directed to make settlement with the Auditor of State, of the moneys they have received and disbursed as such commissioners, on or before the first day of March next.

**SEC. 2.** Said commissioners may settle separately, or jointly, and in such settlement they shall produce satisfactory vouchers for all the credits they or either of them claim for money expended; also, they shall file with the Auditor of Public Accounts, the original subscription list of the citizens of Marion county; showing also, in their settlement the amount which either of them received of any individual so subscribing, either in money or work; also show the amount received from the sale of bridge timber or other materials.

**SEC. 3.** On failure, or refusal of either of said commissioners to make settlement as provided in the second section of this act, it shall be the duty of the Auditor of State, to place in the hands of the Prosecuting Attorney of the fifth Judicial circuit, or in the hands of some other attorney at law, a certified statement of the moneys paid to said commissioners—the supposed amount received on subscription, and for sale of bridge timber, and from all other sources; whose duty it shall be to commence suit in an action of debt against them, or against either of them, so neglecting to settle, in the name of the State of Indiana, for the use of the contractor of said bridge.

**SEC. 4.** Said money when so collected by suit, or paid over on settlement with the Auditor, shall be deposited in the State Treasury to be paid to

Andrew Wilson, the contractor of said bridge, towards the liquidation of his debt for building and repairing said bridge, said Wilson on the receipt thereof, shall relinquish to the Auditor of Public Accounts, such portion of the time for which said bridge was granted to him, as the amount paid bears to the amount due, viz: If it should amount to the sum with interest up to the time he took the bridge, which was owing to him, then he shall relinquish all of said bridge, provided he accepts of said money, and the same shall be a free bridge, and so on in proportion to what he may receive.

**SEC. 5.** This act shall be in force from and after its passage, and it shall be published once in the Indiana Journal and State Sentinel, newspapers printed at Indianapolis.

### CHAPTER CXXXIX.

An Act to authorize the opening a certain alley in the town of Indianapolis.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Marshal of the town of Indianapolis be and he is hereby required (immediately after the passage of this act) to cause to be opened an alley, thirty feet wide, commencing at or near the White river bridge, and running north on the line between the blocks, to North street.

**SEC. 2.** Any damages which may be occasioned by opening said alley shall be paid out of any funds belonging to the Indianapolis fund not otherwise appropriated; and such damages shall be assessed by three disinterested persons, to be appointed by the board doing county business of Marion county.

**SEC. 3.** Said Board of Commissioners of Marion county shall, at their first or any subsequent meeting of the said board, appoint the commissioners to assess the damages aforesaid, who shall, after taking an oath faithfully to discharge their duty, and report the same to the next meeting of the board.

**SEC. 4.** Persons through whose improved lands such alley may run, shall be allowed three months after the location of said road, to open and remove his, her or their fences; and any damages allowed to any such persons shall be paid before any such fences shall be removed or said alley opened.

This act to be in force from and after its passage.

## CHAPTER CXL.

An Act to amend an act entitled an act to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis railroad company, to settle up and close their affairs, approved, February 18, 1840. Approved, February 4, 1841.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions of the above recited acts shall be, and the same are hereby extended to said company, for the term of two years from and after the 15th day of February, 1842.

**SEC. 2.** Nothing in this act nor in the acts above referred to, shall be so construed as to affect, prejudice, or delay the claims of the State or individuals against said company.

**SEC. 3.** This act to be in force from and after its passage.

## CHAPTER CXLI.

An Act to legalize a marriage therein named.

[APPROVED, JANUARY 31, 1842.]

WHEREAS, On the 15th day of June, in the year 1839, a license was issued by John Hager as clerk of the Hancock circuit court, empowering any person authorized to solemnize marriage in said county, to join in holy matrimony Theodore Wright and Miss Elizabeth Osborn, who resided in Hancock county, and by virtue of said license so issued by said clerk, one William Galliher, who was then and there a justice of the peace, solemnized said marriage between said Theodore Wright and Miss Elizabeth Osborn; and whereas, said William Galliher, deceased without certifying the marriage of the said Theodore Wright and Miss Elizabeth Osborn to said clerk: For remedy whereof,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the marriage of Theodore Wright and Elizabeth Osborn of Hancock county, be, and the same is hereby ratified and legalized as fully and completely, as if the said William Galliher had certified to their marriage, as he was in law bound to do.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CXLII.

An Act to authorize the board of county commissioners of Kosciusko county to rescind an order by them made.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of the county of Kosciusko, at their next session after the passage of this act, or at some regular session thereafter, may, if they deem the same expedient, make an order rescinding an order made by them at a special session of said board, held on the second Monday of August 1841; which order authorizes or instructs the agent of the surplus revenue of said county, to deposit the said surplus revenue of said county, in the State Bank of Indiana; and the said board of county commissioners, is hereby authorized to retain the said surplus revenue in said county, the same as though said order had never been made.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CXLIII.

An Act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Vanderburgh county, be, and he is hereby authorized to refund to such person or persons, as have heretofore purchased lots number two hundred and ten, one hundred and sixty-five, and one half of one hundred and seventy-two, in the donation enlargement of the town of Evansville for taxes, all sums paid by such purchaser or purchasers for the purposes aforesaid; and said commissioner and purchaser or purchasers are hereby authorized and empowered to cancel and render null and void, all deeds or other title papers made by such commissioner, for the conveyance of said property by reason of any such sale.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CXLIV.

An Act to authorize John Bates, Jared A. Ball and Company, to build a mill dam across the Little St. Joseph river, in DeKalb county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That John Bates, Jared A. Ball & Co., of DeKalb county, in the State of Indiana, be, and they are hereby authorized to build a mill dam across the Little St. Joseph river, in the State of Indiana aforesaid, in section twelve, and township thirty-three, north of range fourteen east. And the aforesaid company, their heirs, executors, and assigns shall be allowed to keep up the aforesaid dam.

**SEC. 2.** The said John Bates, Jared A. Ball & Co. shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands necessary for their use to build said dam.

**SEC. 3.** Said dam shall not be constructed over six feet high above low water mark.

**SEC. 4.** This act to take effect and be in force from and after its passage.

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## CHAPTER CXLV.

An Act to authorize the building of the towing path bridge across the Wabash river at Carrollton, in Carroll county, and for other purposes.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the canal commissioner, superintendent or other person having charge of the Wabash and Erie canal is hereby authorized, and it is made his duty to negotiate with Michael and Robert English, who now have a contract with the State for the building of the said bridge, to have that contract rescinded and set aside.

**SEC. 2.** That in case the said Michael & Robert English give up their said contract to the State, and thereby relinquish the benefits of the same, it shall and may be lawful for the said Michael and Robert, to arbitrate with the State for any claims which they may have against the State, by reason of giving up the aforesaid contract, which said arbitration shall be governed by the laws now in force respecting arbitrations; and the said commissioner as the agent on behalf of the State shall have power to submit the matters and things connected with the said contract to the decision of arbitrators, in the same manner as private persons submit their differences to arbitrators except

that the State shall not be compelled to give an arbitration bond.

**SEC. 3.** And after the said arbitrators shall have made their award between the State and the said Michael & Robert English, and a final decision thereof is made, the said Michael & Robert shall be paid the amount awarded to them by the said arbitrators, out of the Wabash and Erie canal fund east of the mouth of the Tippecanoe river: *Provided*, That if they fail to obtain an award in their favor they shall pay all costs that may accrue on the same.

**SEC. 4.** *Be it further enacted,* That the said commissioner, superintendent or other person shall, on or before the first day of May next, or so soon as the said Michael & Robert English shall file with the said person having charge of the said Wabash and Erie canal, their consent in writing to relinquish their aforesaid contract, and it is hereby made his duty to put under contract the building of the said towing path bridge, according to the plan lately adopted by the board of internal improvement, and according to the provisions of the laws now in force, and have the same completed as soon as the nature of the work and the circumstances will permit, first giving notice of the letting of the said contract in accordance with the laws now in force.

**SEC. 5.** That it shall be the duty of the said person having charge of the said Wabash and Erie canal to cause estimates of the work authorized to be done by the fourth section of this act, to be made from time to time and the said contractor shall be paid for the same out of the Wabash and Erie canal fund east of the Tippecanoe river, according to the laws now in force authorizing the letting of public works.

**SEC. 6.** This act to take effect and be in force from and after its passage.

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## CHAPTER CXLVI.

An Act to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county.

(APPROVED, JANUARY 29, 1842.)

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the board of commissioners of Spencer county at a session held on the 19th day of August, 1841, with respect to the surplus revenue deposited in said county be, and the same are hereby legalized and shall have the same effect as though they had been had at a called session on the second Monday of said August.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CXLVII.

An Act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Company.

[APPROVED, JANUARY 20, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the Treasurer of State to receive in payment of the principal and interest due on the bonds and mortgages transferred to the State by the Lawrenceburgh and Indianapolis Railroad Company, state bonds for which a full consideration has been received by the State, at their face: *Provided*, That the sum so received shall equal the full amount of the two hundred and twenty-one thousand dollars and interest thereon, due the State; and it shall not be lawful for said Treasurer to receive any amount less than the full amount so due upon all the bonds and mortgages.

**SEC. 2.** That if the whole amount so due the State shall not be paid in manner aforesaid, on or before the first day of July next, it shall be lawful for the Treasurer to sell the said bonds and mortgages to any one or more persons who will pay the whole sum due the State thereon for principal and interest in state bonds, and for cost and damages in current money: *Provided, however*, That no sale shall be made of any such mortgages where the person owing the debts or owning the property shall, before the said first day of July next have deposited with said Treasurer state bonds as aforesaid, to the amount of his indebtedness for principal and interest, and current money to the amount of any cost and damages incurred; but such sale shall only be of the residue of such bonds and mortgages, and no such sale shall be made unless for a sum which, with the depositories so made, shall be equal to the whole sum and interest, damages and costs due the State.

**SEC. 3.** That when the whole amount of principal and interest so due the State shall be so paid in state bonds, together with the amount that may be due for costs and damages in current money, it shall be the duty of said Treasurer to give receipts to the several persons paying the same, on the filing of which receipts with the Auditor of State it shall be his duty to charge the Treasurer with the amount thereof, and thereupon to enter satisfaction upon the proper bond and mortgage when the sum has been paid by the owner of the land, or person owing the debt, or to enter an assignment or transfer without recourse back on the State in any event whatever of the same to the person paying, when the same shall be sold as aforesaid; and such assignment shall vest in the assignee all the right and interest of the State in and to the bonds and mortgages.

**SEC. 4.** Nothing, however, contained in this act shall be so construed as to authorise the payment or discharge of any one mortgage

iu manner aforesaid, until all the sums due upon the several mortgages shall be fully paid to the State of Indiana.

**SEC. 5.** That nothing herein contained shall authorise the payment aforesaid to be made in any bonds of the State which may, by the present or any future General Assembly, be repudiated.

**SEC. 6.** That nothing in this act shall be so construed as to prejudice the claims of any individual or individuals that may exist against such company or persons composing the same, either in law or equity.

**SEC. 7.** This act to be in force from and after its passage.

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## CHAPTER CXLVIII.

An Act in relation to the Marion County Library.

[APPROVED, JANUARY 31, 1842.]

**WHEREAS**, By an act of the General Assembly of the State of Indiana, approved December 21, 1821, two per centum of the future sale of lots in the town of Indianapolis, was appropriated for the purpose of aiding the county of Marion in purchasing a library for the use of said county, and the aggregate sales of said lots since the approval of the act aforesaid, amounts to the sum of ninety one thousand four hundred and seventy five dollars, and eighty one cents.

And whereas, there appears to be due said county of Marion, for the purpose aforesaid, the sum of one thousand eight hundred and twenty nine dollars, and fifty one cents. And doubts exist as to what source the said county is to look for the amount of said two per cent. For remedy whereof:

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Henry P. Coburn, of the town of Indianapolis, be, and is hereby appointed a special agent to examine the books of the several agents of the town of Indianapolis, and ascertain the amount of all sales of town lots since the 21st of December 1821; and on ascertaining the amount thereof, it shall be the duty of said special agent, to account with, settle, and receipt, against such amount of said funds as may seem to be due said county aforesaid, in the hands of said agents, with interest thereon at the rate of six per cent. per annum, from the time it should have been paid over for the purposes aforesaid.

**SEC. 2.** If it should appear to the satisfaction of said special agent, after an examination, as is provided for in the first section of this act, that the said two per cent. as is provided for in the act in the preamble specified, has been paid over in whole or in part to the Treasurer of State, then it shall be the duty of said agent to demand and receive so much thereof as may appear to be paid over as aforesaid.

**SEC. 3.** Should said special agent suppose after examination as aforesaid, that any portion of the two per cent. aforesaid has been paid over to the Treasurer of State, when notice has been given him by said special agent, of the result of his examination and his demand of the same of the treasurer, it shall then be the duty of the Auditor of Public Accounts, and Treasurer of State, to ascertain what amount, if any, has been so paid over by the agent of the town of Indianapolis to the Treasurer of State, and on ascertaining said amount of two per cent. with interest thereon at the rate of six per centum, from the time said amount has been paid over to the Treasurer, to audit the same, and issue his warrant upon the Treasurer of State for said amount; which warrant shall be drawn in favor of Marion county, for the use of the county library, and shall be delivered over to said special agent.

**SEC. 4.** It shall be the duty of the Treasurer of State upon the presentation of said warrant by said special agent to pay the amount thereof out of any funds in the treasury not otherwise appropriated.

**SEC. 5.** Before said special agent shall engage upon the discharge of the duties in this act prescribed, it shall be his duty to file with the auditor of the county of Marion his bond, with security to the acceptance of said auditor, payable to the State in the penal sum of three thousand dollars, conditioned for the faithful discharge of the duties of his office as said special agent as herein defined.

**SEC. 6.** It shall be the duty of said special agent immediately after his receipt of said money, or any part thereof, to pay the same over to the county treasurer of the county of Marion; and so soon as the same is received by said county treasurer to receipt to the said special agent for the amount so paid over by him; and it shall be the duty of said treasurer, to keep the same as other public funds of said county, subject to the order of the board of county commissioners of Marion county, as is hereinafter provided; and the said county treasurer, and his security, in his official bond, as such treasurer, are hereby bound for the faithful account of all such funds as may be paid him by said special agent.

**SEC. 7.** Should said special agent as aforesaid, on examination of the books, vouchers, and other records of the several agents of the town of Indianapolis, become satisfied that any agent of said town, has withheld any portion of said two per cent. fund, which has come into his hands, and has not paid it over to the Treasurer of State, or to the authority having legal power to receive the same, then the said special agent shall, with the concurrence of the board doing county business for said county of Marion, institute suit upon the official bond of said agent, for the recovery of the same, which suit may be brought in the name of the State of Indiana, upon the relation of Marion county; and should judgment be obtained upon any such bond, for the non-payment of said two per cent. or any part thereof, when the same is collected, it shall be paid over as is provided in the sixth section of this act, and should the county bring, or fail to maintain any such suit brought upon any such bond as aforesaid, for the purpose aforesaid, then the county shall be discharged from the payment of any costs.

**SEC. 8.** It shall be the duty of the board of commissioners of said county,

immediately upon the receipt of the amount by the county treasurer, which may be due said county, to apply or cause to be applied said amount to the purpose for which it was originally intended and none other, to-wit: the aiding of said county in the purchasing of a county library.

**SEC. 9.** And should said special agent resign, neglect or refuse to act as herein prescribed, then it shall be the duty of the board of commissioners of said county, to appoint an agent whose duty shall be the same in all respects, as herein before defined.

**SEC. 10.** And for the purpose of a speedy organization of said library, it shall be the duty of the board of commissioners of said county of Marion, to appoint seven trustees of said library, who shall serve as such until their successors in office are elected and qualified, whose duty shall be the same in all respects as provided in the act incorporating county libraries, approved, February 17th, 1838.

**SEC. 11.** The board doing county business for said county, shall allow the said special agent reasonable compensation, out of said fund for his services in this matter.

**SEC. 12.** This act to be in force from and after its passage.

## CHAPTER CXLIX.

An Act to amend an act entitled "an act to authorize the election of a Justice of the Peace, and a constable in the town of Fredericksburgh, in Washington county," approved, February 18th, 1840.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the first and second sections of the above described act, be so amended as to permit said justice of the peace and constable to reside, and said justice to keep his office one half mile from said town of Fredericksburgh.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CL.

An Act to vacate a part of the town of Crawfordsville.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That square number thirty-three of Canby's addition to the town of Crawfordsville be, and the same is hereby vacated.

This act to take effect from and after its passage.

## CHAPTER CLI.

An Act to authorize Elizabeth Neal, a minor, to unite with her husband Thomas J. Neal in the conveyance of real estate.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Elizabeth Neal of the county of Grant, formerly Elizabeth Brownlee, being under the age of twenty-one years, is hereby authorized and empowered to unite with her husband Thomas J. Neal in the conveyance of any or all the real estate inherited by her from the estate of her parents, or others; and when she shall have so united with her said husband, in any such conveyance, it shall be deemed good and valid in law and equity, as though the said Elizabeth had not been under twenty-one years of age.

**SEC. 2.** Nothing in this act shall be so construed as to allow said Elizabeth to convey as above provided, unless at least two of her near relatives shall certify in writing, that in their opinion such conveyance will be to her advantage, which said certificate shall be appended to the deed of conveyance, and recorded therewith.

**SEC. 3.** This act to take effect and be in force from and after its passage.

## CHAPTER CLII.

An Act to prevent the use or adoption of the county seminary in Franklin county, as a district school-house, and for other purposes.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful to use or adopt the county seminary in the county of Franklin, as a district school-house, and in case said seminary has heretofore been converted or adopted as aforesaid, the same is hereby declared otherwise, and shall not be used as such.

**SEC. 2.** That it shall not be lawful hereafter to apply any of the common school funds for the payment of teachers, or the tuition of scholars, for school taught in said seminary.

**SEC. 3.** This act to take effect and be in force from and after its passage.

## CHAPTER CLIII.

An Act to authorize the board doing county business in the county of Tippecanoe, to establish additional ferries therein.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Tippecanoe, be, and they are hereby authorized to establish and license, as many additional ferries across the Wabash river, at the town of Lafayette in said county, as shall appear to them to be necessary and proper, upon application made to them in writing: *Provided*, That said board shall not establish and authorize any new ferry over said river, fronting any street of said town, where there shall have been heretofore established a ferry across said river.

**SEC. 2.** That whenever any additional ferry or ferries shall be established by said board, under the provisions of the first section of this act, the person or persons so authorized to keep such ferry or ferries, shall comply with and be subject to the laws now in force regulating ferries.

**SEC. 3.** This act shall be in force from and after its passage.

## CHAPTER CLIV.

An Act empowering Henry Nelson and Mary M. Nelson his wife to convey certain real estate.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Mary M. Nelson of Clay county being under the age of twenty-one years, is hereby authorized and empowered to unite with her husband Henry Nelson of said county in the conveyance of a certain tract of land situated in the county of Clay in the State of Indiana, viz: The west half of the south west quarter of section three, in township No. eleven north, range No. five west, in the district of land offered for sale at Vincennes; which said land the said Henry Nelson has sold to John B. Nees of the aforesaid county.

**SEC. 2.** And that the said Henry Nelson and Mary M. Nelson his wife, are hereby fully empowered to make a general warranty deed to the above named John B. Nees; *Provided*, That they are the proper owners of said land as above described.

**SEC. 3.** This act to take effect and be in force from and after its passage.

## CHAPTER CLV.

An Act to authorize Philip Mason to convey certain lots to Pinkney James and for other purposes.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Philip Mason be, and he is hereby authorized to convey to Pinkney James by deed in fee simple in the name of the State of Indiana to the only proper use, benefit and behoof of the said Pinkney James, certain lots or parcels of ground situate in the town of Lawrenceburgh, in the county of Dearborn and State of Indiana, referred to in the annual report of the board of internal improvement in as full, complete and ample a manner as the same can be done, to vest all the right, title, claim and demand that the State may have in and to the same, in the said James.

**SEC. 2.** That the said Philip Mason be, and he is hereby authorized to receive and accept such deed or deeds of conveyance in fee simple from the said Pinkney James, to vest in the State the title of certain lots referred to in the report aforesaid, exchanged to the State for the lots above, in the first section of this act referred to, by the said Pinkney James to have the same recorded, and to do all acts necessary to secure and vest the title of the same in the State of Indiana.

**SEC. 3.** Said Mason is further authorized to sell and dispose of for the best price which can be had, a lot of water lime belonging to the State of Indiana, now in store in Louisville, Kentucky, and pay the proceeds arising from the sale of the same into the treasury of the State, taking the treasurer's receipt therefor.

**SEC. 4.** This act to be in force from and after its passage.

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## CHAPTER CLVI.

An Act to authorize John Callahan to build a bridge across the mouth of Tanner's creek in Dearborn county.

[APPROVED, JANUARY 24, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That John Callahan may erect a bridge across the mouth of Tanner's creek at a point where the state road leading from Lawrenceburg to Rising Sun crosses said creek, and continue the same for the term of twenty years from and after the completion of the said bridge: *Provided*, That said Callahan procure the consent of the owners of said land upon which the abutments, toll-house, and ne-

cessary causeways are erected, and if consent or permission cannot be had, then the said Callahan shall have, and may use the writ of *ad quod damnum*, and the benefits arising from the law allowing such writ, for the purpose of condemning the necessary quantity of ground for the purpose aforesaid.

**SEC. 2.** Whenever the said bridge shall be completed, the said John Callahan may erect a gate at either end of the bridge, and demand and receive such toll as the board doing county business may agree upon at any time before said Callahan commences the building of said bridge, and enter the same on record, with their other proceedings. But if the said commissioners should fail to fix the rates of toll, then the said Callahan, his agents or assigns may ask and receive the same rates of toll that is allowed at the same place for ferriage: But all persons going to or returning from places of religious worship; going to or returning from funeral processions; messengers of this State or the general government, shall be exempt from paying toll.

**SEC. 3.** If any person shall wilfully impair or injure said bridge, he, she, or they so offending shall forfeit, and pay to John Callahan treble the amount it may cost to repair the same, with costs of suit, to be recovered on conviction before any court of competent jurisdiction.

**SEC. 4.** If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said John Callahan eight times the amount of legal toll, to be recovered by action of debt before a justice of the peace.

**SEC. 5.** If any toll gatherer who shall unreasonably delay or hinder, any passenger at the gate, or shall receive or demand more than the usual legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs before any justice of the peace to the use of the person so unreasonably delayed, hindered, or defrauded.

**SEC. 6.** The said bridge shall be built not less than twenty feet wide, and shall be well secured by railing on each side not less than four feet high.

**SEC. 7.** Said bridge shall be so constructed as not in any manner to obstruct the navigation of said creek, at any stage of water.

**SEC. 8.** If said bridge shall not be constructed within two years from the passage of this act, then and in that case this act to be null and void, otherwise to be and remain in full force and virtue for the term of twenty years: *Provided, however*, That the county of Dearborn may, at any time after ten years, take said bridge at what it is then worth, to be ascertained by a jury of six freeholders, inhabitants of said county, whose verdict shall be laid before the board of county commissioners, and if approved of by said board they shall be authorised to accept the same.

**SEC. 9.** The board doing county business in said county, or any of the citizens, shall have one year from the passage of this act to build a free bridge across said creek; *But*, if the citizens and board fail to

build a bridge, as above provided, then this act is hereby declared to be a public act, and in force from and after that time: *Provided, however,* That the board doing county business may at any time relinquish the rights herein reserved to the board and citizens to build a free bridge, and then this act shall be in force from and after such relinquishment is entered on record by the auditor of said county.

**SEC. 10.** The Legislature reserves the right to amend or repeal this act or any part thereof, at any time hereafter.

**SEC. 11.** This act to take effect and be in force from and after its passage.

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## CHAPTER CLVII.

An Act to provide for the collection of the State and county revenue of Vanderburgh and Perry counties for the year A. D. 1841.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of Vanderburgh county be, and he is hereby required within thirty days after the taking effect of this act, unless further time be given by the board of commissioners of said county, to make out a tax book and duplicate of the taxes chargeable in said county for the year A. D. 1841, in the same manner as clerks were required to do the same previous to the passage of an act entitled "an act prescribing the duties of county auditor," approved February 12, 1841, taking the assessment of personal property, taxable poles and corporation stock as made by James F. Walker, assessor for said county for said year, and taking the valuation of real property as made by John B. Stinson, appraiser, appointed for said county by virtue of an act entitled "an act to value the property of this State," approved February 12th, 1841, with the corrections made by the board of equalization of said county.

**SEC. 2.** The said auditor on making out said tax book and duplicate shall without delay, hand over one of them to the treasurer of said county, who shall thereupon proceed to collect the taxes charged in said tax book and duplicate in the same manner as is prescribed for the collection of taxes in an act entitled "an act prescribing the duties of county treasurer," approved February 12, 1841, except that the notice contemplated by the 13th section of said act shall specify a time that said treasurer will attend at the place of holding elections in the different townships between the fifteenth day of February and the first day of March next, and the time specified in said notice shall be deemed legal and sufficient if the same shall have been duly published fifteen days. That from and after the time said treasurer shall have

attended in the different townships to receive taxes, he shall attend at his office at the county seat until the fifteenth day of March following to receive taxes, after which he may proceed to distrain for the collection of unpaid taxes as is provided by the 19th section of said act.

**SEC. 3.** The said treasurer shall be allowed until the first day of May next, to make settlement with the county auditor, and until the fifteenth of the same month to make payment to the State Treasurer, but in all other respects he shall be governed by the laws of this State, now in force regulating the duties of treasurers not otherwise provided for by this act.

**SEC. 4.** *Be it further enacted,* That the abstract to be forwarded to the Auditor of State as contemplated by the 14th section of said act entitled "an act to value the property of this State," approved February 12, 1841, shall, if not sooner forwarded by the auditor of said county, be forwarded by the treasurer of said county at the time said treasurer is required by this act to make settlement with the State Treasurer, and in all other respects as far as practicable, except as herein provided, the auditor of said county shall comply with the laws of this State now in force regulating the duty of county auditors.

**SEC. 5.** *Be it further enacted,* That it shall be the duty of the auditor of the county of Perry, to make out and deliver to the sheriff of the county of Perry a duplicate of the assessment roll of said county for the year 1841, according to the laws now in force requiring him to deliver a duplicate to the county treasurer, for the collection of State and county taxes:—*Provided,* That at the time this law takes effect there shall be no county treasurer elected or appointed and qualified in said county of Perry.

**SEC. 6.** It shall be the duty of the sheriff of the said county of Perry within thirty days after the taking effect of this act to give bond payable to the State of Indiana in a sum not less than double the amount of the State and county revenue for said county of Perry for the year 1841, with sureties to be approved of by the county auditor of said county, conditioned to collect and pay over the State and county revenue of said county according to the laws now in force and the provisions of this act.

**SEC. 7.** This act shall take effect and be in force from and after its passage;—and the Secretary of State is hereby required to transmit a certified copy of this act to the county auditors of Vanderburgh and Perry counties without delay.

## CHAPTER CLVIII.

An Act to provide for the assessor of the county of Harrison to qualify.

[APPROVED, JANUARY 29, 1842.]

*Whereas,* It it is represented to this General Assembly, That Pleasant D. Bean of the county of Harrison was, on the first Monday of August last duly elected county assessor, for the said county of Harrison, in conformity to an act entitled "an act for the election of county assessor," approved February 10th, 1841: *And, Whereas,* said Pleasant D. Bean unintentionally omitted filing his bond as such assessor: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Pleasant D. Bean, assessor elect for the county of Harrison, may at the next term of the board doing county business for said county, after the passage of this act, give bond and take the oath of office, agreeably to the provisions of the act above referred to, and such proceedings shall have the same force and validity as they could or would have, if done at the time specified by the provisions of said act.

SEC. 2. This act to take effect and be in force from and after its passage.

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## CHAPTER CLIX.

An Act to vacate the town of Castleton, in White county.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Castleton, in the county of White, be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CLX.

An Act to legalize the sale of a certain school section therein named.

[APPROVED, JANUARY 29, 1842.]

*Be it enacted by the General Assembly of the State of Indiana,* That the sale of the school section in township number seventeen north of range one east, in the counties of Hendricks and Boone be, and the same is hereby legalized.

This act to be in force from and after its passage.

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## CHAPTER CLXI.

An Act to provide for the partition of the real estate of Joseph McCalister, late of Vanderburgh county deceased.

[APPROVED, JANUARY 31, 1842.]

WHEREAS, The said Joseph McCalister died intestate seized and possessed of a large amount of real estate, part of which is situated in this State, and the residue in Henderson county, Ky. And whereas, it is desired by the husbands of two of the children and heirs of the said Joseph, as well as by the said two heirs, and the mother, and the guardians of the other three (the heirs of said Joseph being five in number,) that the portion of one or more of the said heirs should be set apart, if practicable in the lands situated in Kentucky exclusively, and the portions of the residue in the lands in this State, in order that each may have his, or her share in one body. And whereas, the said heirs are all minors, incapable of contracting in the premises: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any three or more of the said heirs of the said Joseph McCalister, may apply by petition to the Vanderburgh circuit court, (by themselves or husbands or guardians as the case may be,) for a partition as well of the lands lying in this State, as of the lands lying in Kentucky, giving ten days personal notice of such application to such heirs as may not join in the petition, which notice may be served by the sheriff.

SEC. 2. Upon the filing of such petition and notice having been given as aforesaid, the said court shall appoint one disinterested freeholder, resident in Vanderburgh county, of kin to none of the parties interested, who shall act as commissioner in conjunction with a like commissioner, to be appointed by such court of Henderson county, Kentucky, as the legislature of that State may authorize to act in the premises, and the two thus appointed, shall select a third disinterested freeholder, to act as commissioner in conjunction with them.

**SEC. 3.** The commissioners appointed as aforesaid, shall make partition of all the lands and tenements, of which the said Joseph McCalister died seized or possessed as well in this State as in Kentucky, setting apart, if they think it proper, to one or more of his heirs, his, her, or their whole share or proportion in the lands situated in Kentucky, if the land in Kentucky be sufficient in amount and value, and setting apart to each heir an equal proportion, in value of all said lands and tenements to be held in severalty.

**SEC. 4.** At such time as the courts may respectively order, the commissioners aforesaid shall report to the Vanderburgh circuit court, and such court in Kentucky as may be designated by the legislature of that State, which report shall be in writing, verified by the oaths of said commissioners, as being a just and equitable partition, and setting forth by particular and accurate description the tract or tracts of land set apart to each heir, naming him or her.

**SEC. 5.** And such report being first approved by the said courts respectively, shall be recorded at full length in the records of such courts, and thenceforth each heir of the said Joseph McCalister deceased, shall absolutely have, hold, possess and enjoy in severalty, such tract or tracts of land as may be so set apart to him or her.

**SEC. 6.** If the commissioners find it impracticable to make a just partition, by giving one or more, his or her whole share in the land in Kentucky, then partition may be made as if all the lands were in one State.

**SEC. 7.** If there be one or more fractions or pieces of land that cannot be, without injury or injustice set apart or divided, the same may remain undivided to be disposed of according to law.

**SEC. 8.** The widow of the said Joseph McCalister may, if she please, join in the petition aforesaid, and should she do so and pray that her dower may be assigned to her, the said commissioners shall assign to her, her dower as well in the lands in this State as in those in Kentucky, and may assign the same in the lands in this State exclusively, or part in this State and part in Kentucky, as justice and equity may require.

**SEC. 9.** If any commissioner appointed as aforesaid shall die, or fail, or refuse to act, another commissioner may be appointed in the same manner that he was, to act in his stead.

**SEC. 10.** The guardians of any one or more of said heirs, may also join in such petition, and if they or either of them or the said widow, shall fail to do so, the said widow and every such guardian so failing, shall be made defendant to such petition, and have ten days personal notice of the application for partition; and every such notice whether to heirs, or guardians, or widow, may be served by the sheriff, or by some other disinterested person who shall make affidavit of such service.

**SEC. 11.** This act shall be in force from and after the passage of a similar act by the legislature of Kentucky.

## CHAPTER CLXII.

An Act to legalise the acts of the President and Trustees of the Town of Greencastle.

[APPROVED, JAN. 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the acts of the President and Trustees of the town of Greencastle be and the same are hereby legalised, so far as the same are compatible with the constitution and laws of the State, as fully as said acts would have been had said President and Trustees been elected at last annual election for trustees; and the said President and Trustees shall continue in office until the time appointed for the next annual election of trustees for the town of Greencastle.

This act to take effect and be in force from and after its passage.

## CHAPTER CLXIII.

An Act to vacate the town of Benton, in Hancock county.

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the town plat of the town of Benton, as recorded in the Recorder's office of the said county of Hancock, be and the same is hereby declared to be vacated: *Provided, however,* That the interest of no person shall be prejudiced by the vacation of said town plat as aforesaid.

This act to take effect and be in force from and after its passage.

## CHAPTER CLXIV.

An Act to provide for the Election of a Justice of the Peace in the town of Jonesborough, in Greene County.

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Board doing county business in the county of Greene be and they are hereby authorised to order one Justice of the Peace to be elected in the town of Jonesborough, in said county, by the qualified voters of the township in which the town of Jonesborough is situated, in addition to the number of justices now appointed to said township, in the same manner as might have been done if said town was incorporated; any law in force to the contrary notwithstanding.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CLXV.

An Act to provide for the Election of a Justice of the Peace in the town of Shielville, in Hamilton county.

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Board of Commissioners of Hamilton county be and they are hereby authorised, at their next term of said board, or any term of said board thereafter, to order one justice of the peace to be elected in the town of Shielville, in Jackson township, in said county, in addition to the two justices of the peace already appointed to said township: *Provided*, That said board shall be of opinion that such additional justice of the peace would be necessary; any law in force to the contrary notwithstanding.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CLXVI.

An Act to legalize the Election of the Probate Judge of Laporte County.

[APPROVED, DECEMBER 29, 1841.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the Board of Commissioners of Laporte county be and they are hereby authorised to allow and pay to the Hon. Jabez R. Wells, Probate Judge of Laporte county, out of the county treasury, the sum of two dollars per day for each day he shall be necessarily employed in the duties of his said office.

**SEC. 2.** That the election of the said Jabez R. Wells to the office of Probate Judge of Laporte county held on the first Monday of August, in the year 1841, be and the same is hereby legalised, and the same be and hereby is rendered as valid and effectual in law as if the said Jabez R. Wells had obtained a certificate of qualification for said office previous to his election.

**SEC. 3.** This act to be in force from and after its passage.

## CHAPTER CLXVII.

An Act to vacate an alley in the town of Lebanon.

[APPROVED, DECEMBER 31, 1841.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the alley running east and west between lots numbered four and five, and three and six in block six, in the town of Lebanon, Boone county, be, and the same is hereby vacated.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CLXVIII.

An Act to repeal an act entitled "an act incorporating the Washington county Seminary," approved, January 24, 1827.

[APPROVED, DECEMBER 31, 1841.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the act incorporating the Washington county Seminary, approved, January 24, 1827, be, and the same is hereby repealed.

**SEC. 2.** That the act relating to county seminaries, approved February 17, 1838, shall be in force in Washington county, and the trustees remain in office until their successors are appointed and qualified.

**SEC. 3.** This act to be in force from and after its passage.

## CHAPTER CLXIX.

An Act appointing Bridge Commissioners in the counties of Spencer and Perry, and defining their powers and duties.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Wilson Huff, Luther Greathouse and Harrison Huffman, of the county of Spencer, and John Huffman, Jacob Protsman and James H. Willian, of the county of Perry, be and they are hereby constituted and appointed commissioners, with power to receive and collect subscriptions for building a bridge across Anderson's river, at or within one mile of Aquilla Huff's Ferry on said river.

**SEC. 2.** So soon as said commissioners shall have collected subscriptions sufficient to build said bridge, it shall be their duty to fix the location of said bridge, and cause the same to be constructed in a good, substantial and workmanlike manner; and as soon as said bridge is completed it shall be the duty of said commissioners, or a majority of them, to report to the respective boards doing county business the costs of erecting and completing said bridge, and also the amount that was subscribed and received by them for the erection of said bridge; and to pay over all balances (should there be any) to the respective county treasurers, in equal proportion, as subscribed by the citizens of the said counties, which, when so paid over shall be under the control and direction of the respective county boards.

**SEC. 3.** That a majority of said commissioners may exercise all the power hereby granted.

**SEC. 4.** That suits for the collection of subscriptions shall be brought in the name of "The "Spencer and Perry County Bridge Commissioners."

**SEC. 5.** The said commissioners, before entering upon the discharge of their duties, as such, shall take an oath that they will faithfully discharge their duties, and give their respective bonds to the State of Indiana in the sum of two thousand dollars with approved security, conditioned for the faithful discharge of their duties respectively; and said bonds are hereby declared to be in trust for the benefit of said counties of Spencer and Perry; and upon any breach of the condition thereof action may be maintained on the relation of the boards doing county business in said counties, either jointly or severally, for any damages which said counties may either jointly or severally sustain by reason of such breach.

**SEC. 6.** Any vacancy which may occur by the resignation, death or refusal to serve of any of said commissioners, such vacancy may be filled by the board doing county business in the county where such vacancy may happen, and so from time to time, as often as vacancies may occur. And the commissioners appointed by said boards doing county business shall take the same oath and give bond in the same manner as the commissioners herein named; and said bonds so given, by persons so appointed to fill vacancies, are declared to be in trust for the same uses, and subject to have actions brought and maintained upon them in the same manner as in case of bonds given by the commissioners herein named.

**SEC. 7.** Said commissioners shall have power to use all or any of the timber or materials of the bridge formerly erected across Anderson's river, at or near Aquilla Huff's ferry, in the construction of the bridge hereby authorised to be built.

**SEC. 8.** That the act entitled "An act appointing Bridge and Road Commissioners in the counties of Spencer and Perry, and defining their powers and duties," (approved February 14, 1838,) be and the same is hereby repealed.

**SEC. 9.** This act to be in force from and after its passage.

## CHAPTER CLXX.

An Act to legalize the acts and proceedings of the board of commissioners of Tippecanoe county, and for other purposes.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board doing county business, in

the county of Tippecanoe, to hold their sessions in the office of the auditor of said county, any law to the contrary notwithstanding.

SEC. 2. That the acts of said board doing county business at their several sessions held in said auditor's office, and in the office of the clerk of said county prior to the passage of this act, be, and the same are hereby legalized, and held to have the same force and effect as if the said board had held their sessions in the Court house in said county.

SEC. 3. This act to take effect and be in force from and after its passage, and the Secretary of State is required to forward a copy of this act to said county auditor.

## CHAPTER CLXXI.

An Act exempting the Vincennes fire company from working roads.

(APPROVED, JANUARY 18, 1842.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That those members of the Vincennes fire company, who do not own real estate in the borough of Vincennes, be, and they are hereby exempted from performing any labor on the roads, so long as they continue to comply with their duties as members of the said fire company.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CLXXII.

An Act giving certain authority to the seminary trustees of the county of St. Joseph.

[APPROVED, JANUARY 21, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the seminary trustees of the county of St. Joseph, be, and they are hereby authorized and empowered to sell, in such manner as said trustees may think best, and convey lot number three hundred and eighty-seven, in the town of South Bend, St. Joseph county, Indiana, and which was purchased for seminary purposes.

SEC. 2. Said seminary trustees are authorized to apply the proceeds of said sale to any other purchase, or erection of an edifice for said seminary purposes in the discretion of said trustees.

This act to be in force from and after its passage.

## CHAPTER CLXXIII.

An Act to vacate Duret street in the Godfrey addition to the town of Peru.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so soon hereafter as William Smith and William A. McGregor shall have erected or cause to be erected, a good and sufficient bridge across the sand hill slush on fifth street, in the Godfrey addition to the town of Peru, in Miami county, to the acceptance of the proper supervisor of roads, and procure the certificate of said supervisor that the same is completed, and cause said certificate to be recorded in the recorder's office of said county, that Duret street running from Main to Fifth street, in said Godfrey addition, be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CLXXIV.

An Act relative to the board of commissioners of Knox county.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the county commissioners of Knox county, to employ some suitable person to draw two maps of said county on a large scale, one for the clerk's office, and one for the recorder's office of said county; on which maps the boundaries of each civil township, shall be distinctly marked and defined.

SEC. 2. That said board of county commissioners shall allow to such person, such compensation as to them may seem reasonable and just, to be paid out of the county treasury.

SEC. 3. This act to be in force from and after its publication.

## CHAPTER CLXXV.

An Act to vacate the town of New Hartford in the county of White.

[APPROVED, JANUARY 31, 1842.]

*Be it enacted by the General Assembly of the State of Indiana,*  
That the town of New Hartford in the county of White, be, and the same is  
hereby vacated.

This act to be in force from and after its passage.

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## CHAPTER CLXXVI.

An Act authorising the commissioners of the county of Jefferson to sell and dispose  
of the poor farm in said county, and for other purposes.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of Jefferson be, and they are hereby authorised to sell and convey the farm known as the "poor farm," in said county, for the best and highest price the same will bring, upon such terms as said board may, in their sound discretion, consider will best subserve the interests of said county; the proceeds of such sale to be applied to the purchase of any other lands, tenements, or hereditaments and improvement of the same, for the support and maintenance of the poor in said county.

**SEC. 2.** Should said board of commissioners believe that it would be for the interest of said county, and the comfort of the poor therein, to purchase from the incorporated authorities of the city of Madison any of the real estate belonging to and adjoining said city for the purpose of erecting an asylum for the poor thereon; or should said board of commissioners believe that it would be for the manifest benefit of the county and poor therein, to unite with said incorporated authorities of the city of Madison, in the erection of an asylum for the poor, and a house of correction, all embracing the same grounds, full and ample authority is hereby given them to contract with, and do and perform all things necessary and proper to be done in and about the matters and things referred to in the foregoing act.

This act to be in force from and after its passage.

## CHAPTER CLXXVII.

An Act to correct a misprint and to extend the time for completing the public  
printing ordered by the present Legislature.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the public printers of the State of Indiana be allowed twelve and one half cents per hundred, (instead of per thousand, as provided for by the act of January 21, 1841, in consequence of a misprint) for folding the journals, reports and bills of the House; and that the time for completing the printing of the present General Assembly be extended thirty days in addition to the time now allowed by law.

## CHAPTER CLXXVIII.

An Act to legalise the official acts of William Wallace, probate judge of Wells  
county.

[APPROVED, JANUARY 13, 1842.]

*Whereas,* William Wallace, probate judge of Wells county, having  
been elected previous to obtaining a certificate of qualifications; and  
having since the election received a certificate of his qualifications  
for said office, as required by law: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the official acts of the said William Wallace, probate judge in the county of Wells, be, and they are hereby made, during his official term, to all intents and purposes, valid, as fully in all respects as if the said judge of probate had received a certificate of qualifications before his election.

## CHAPTER CLXXIX.

An Act to vacate a part of the town of Wilmington, in Clinton county.

[APPROVED, JANUARY 12, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all that part of Wilmington, in Clinton county, lying east of the street through which the Michigan road passes, be, and the same is hereby vacated.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CLXXX.

An Act to legalize an election held in Jackson township, Putnam county.

[APPROVED, JANUARY 13, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the election of Alexander Dunnington and the constable who was elected under the same act is hereby legalized.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CLXXXI

An Act to vacate part of the town of Flemingsburgh, in Randolph county.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all that part of the town of Flemingsburgh lying west of the principal street running north and south be, and the same is hereby vacated.

This act to be in force from and after its passage.

## CHAPTER CLXXXII.

An Act to legalize the election of Mason Palmer, formerly a justice of the peace of Daviess county.

[APPROVED, JANUARY 13, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the election of Mason Palmer to the office of justice of the peace in and for the county of Daviess and State of Indiana be, and the same is hereby declared valid, and the acts of said Palmer as such justice are hereby declared to be free from any exception or objection to the regularity of his said election.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CLXXXIII.

An Act to vacate the town of Richardville in Huntington county.

[APPROVED, JANUARY 24, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the town plat of the town of Richardville in Huntington county, and every part and parcel thereof is hereby declared vacated.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CLXXXIV.

An Act to change the name of the town of Columbia, in Tippecanoe county.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the town of Columbia in Tippecanoe county, shall no more be called Columbia, but shall be called Romney.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CLXXXV.

An Act to vacate certain lots in the town of Edinburgh in Johnson county.

[APPROVED, JANUARY 27, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That lots numbered four, nine, ten, fifteen and sixteen on Campbell's plat of said town be, and the same are hereby vacated.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CLXXXVI.

An Act to repeal an act entitled "an act to authorize Thomas S. Hinde to establish a ferry therein named, approved, January 19th, 1841.

[APPROVED, JANUARY 27, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled an act to authorize Thomas S. Hinde to establish a ferry across the mouth of White river, and across the Wabash at the mouth of White river, approved, January 19th, 1841, be, and the same is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER CLXXXVII.

An Act relative to the public square in Evansville, Vanderburgh county.

[APPROVED, JANUARY 26, 1842.]

*Whereas,* It appears from the original documents establishing the seat of justice on the donation enlargement of the town of Evansville, Vanderburgh county, at a place designated on the plat of the said donation enlargement of said town as the "public square," the proprietors thereof dedicated the same as public ground, for the use of the citizens of said county, and for the erection thereon of the public buildings for said county; and, it being suggested that doubts exist in the minds of some who have not an opportunity of examining the aforesaid documents, as to the intention of said proprietors, by which the officers of said county may be deterred from repairing or putting up the necessary public buildings thereon: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the lot of ground designated on the plat of the donation enlargement of the town of Evansville, in the county of Vanderburgh, as the public square, be, and the same is hereby vested in the board of commissioners of the said county of Vanderburgh forever, for the erection thereon of public buildings for the common use and benefit of the citizens of said county, and for no other purpose whatever.

## CHAPTER CLXXXVIII.

An Act to authorise the furnishing of hydrant water to the town of Attica.

[APPROVED, JANUARY 25, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Levi Hollory be, and he is hereby authorised to furnish the town of Attica with water by means of hydrants, to be erected at his discretion in said town; and for that purpose he is hereby allowed to conduct the same through the streets and alleys of said town.

**SEC. 2.** That the said Levi Hollory shall be authorised to collect and receive from the inhabitants of said town such sum by way of rent, for the use of such water, as the board of commissioners of the county of Fountain, in their discretion may, from year to year, authorise.

**SEC. 3.** This act to be in force from and after its passage.

## CHAPTER CLXXXIX.

An Act to legalise the election of trustees in the town of Vevay, Indiana.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the election of trustees of the town of Vevay, Indiana, held on Monday, the third day of January, A. D. 1842, be, and the same is hereby legalised, and the trustees declared to be elected at said day are hereby fully authorised and empowered to act as such.

This act to take effect and be in force from and after its passage.

## CHAPTER CXC.

An Act to provide for the survey of the town of Perrysville, in Vermillion county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the county surveyor of Vermillion county shall, on the first Monday in May next, or on some subsequent day, proceed to survey the town of Perrysville, in Vermillion county, and shall survey and establish the boundaries of lots and fractions of lots, also the streets and alleys of said town; and when said survey shall be made, it shall forever be and remain as the permanent location and establishment of said lots, streets and alleys: *Provided*, That the said surveyor shall not be required to discharge the duties assigned him, under the provisions of this act, until the citizens of Perrysville shall become responsible for the payment of all expenses incurred by said survey.

This act to take effect and be in force from and after its passage.

## CHAPTER CXCI.

An Act to authorize the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the board of trustees of the county seminary of Tippecanoe county be, and the same are hereby authorised and empowered to sell the following tract of land, to-wit: One square acre off of the north-east corner of lot numbered ten (10), in the addition of out-lots to the town of Lafayette, in said county, laid off by Jeremiah Bartholomew; the said lot numbered ten being a part of the east half of the north-east quarter of section twenty-nine (29), in town twenty-three (23) north, of range four west, to such person or persons, and for such price or prices as they may think proper, and to make to the purchaser or purchasers, in their said corporate name, a deed or deeds of conveyance, which, when made, shall be deemed and taken to vest the title in fee simple in and to said lot, or any part thereof, to such purchaser or purchasers, their heirs and assigns forever.

**SEC. 2.** This act to be in force from and after its passage, and may be published in the Tippecanoe Journal and Lafayette Advertiser.

## CHAPTER CXII.

An Act in relation to district schools in Orange county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the citizens of school district number one, composed of section number one, in township number one north, of range number one west, in the county of Orange be, and they are hereby authorized to organize and support two district and separate common schools in said district, to be called and distinguished as "district school number one," and "district school number two," for which purpose they may adopt or erect pursuant to the provisions of the statute on that subject, two suitable school houses: *Provided*, That if a school house or houses should be adopted, the same be situate either within the limits of said district, or at some convenient point or points which may be selected thereout.

**SEC. 2.** That within twenty days after the passage of this act, the trustees then in office in said district (if any, and if not, such as may be chosen) shall call a public meeting of the citizens thereof at the court house in the town of Paoli, of which they shall give ten days previous notice in writing, and when so assembled the said trustees or any one of them, or in their absence, any person appointed by the meeting for that purpose, shall ascertain and take down a list of the names of such persons as determine to associate themselves in support of school number one, and so also such as determine to support school number two (the association embracing the greatest number of persons to be called school number one.) And thereupon they shall separately elect [by] *viva voce* vote, three trustees for each of said schools, who shall discharge all the duties and be governed in all respects by the laws now in force in regard to such officers, except so far as the same may be controlled by the provisions of this act. And the trustees or other person presiding at such meeting, shall deliver over to the trustees of said schools respectively the lists aforesaid, which shall be recorded in the record of proceedings of said trustees. And the said associations when so organized, may at the meeting aforesaid, or at any subsequent meeting, determine to adopt or erect a school house or school houses; and the direction and government of said schools shall be distinct and independent: *Provided, however*, That all laws now enacted in relation to congressional schools shall remain in force and apply to said schools, except so far as contravened by the provisions herein contained.

**SEC. 3.** Every citizen within said district who desires any participation in the benefits of said schools, shall cause his or her name to be enrolled upon the record of one of said schools. Any of the citizens of said district so enrolled as aforesaid, shall be permitted to send to either of said schools, subject however to the following res-

trictions, to-wit: If at any time the patrons of either of said schools shall determine to erect a school house, every citizen of the district shall contribute according to the laws now in force, to the labor and expense of the same, unless they think proper and do actually relinquish in writing (which writing shall be deposited with the trustees of said school) all claim to the benefits thereof. And any one so relinquishing, shall not thereafter be permitted to send to said school, nor enjoy any advantages therefrom, and shall not be subject to any imposition or tax on account thereof: *Provided*, That any person or persons so relinquishing, may at any subsequent period reinstate himself or herself in the benefits of such school, by paying into the treasury thereof, the amount with which he, she, or they were subject to be taxed to aid in erecting such school house.

**SEC. 4.** That the treasurer of said township shall apportion and pay over to the treasurer of said schools severally, the just proportion of school funds, accruing to the citizens thereof respectively, which shall be paid out and appropriated in support of such schools.

**SEC. 5.** That if either of said school associations should determine at the meeting aforesaid, or within twenty days thereafter, to erect a school house, they shall be entitled to receive and appropriate to that object, one hundred dollars out of the first moneys arising and accruing to said district, to be paid when the said house shall be completed, or as soon thereafter as the same may be ready for distribution: *Provided*, That said school house be completed within eighteen months from the day on which the determination to build may be made: *Provided, also*, That whenever the patrons of the other school shall determine to erect, and shall have erected and finished a school house, they shall also be entitled to receive and appropriate a like sum of one hundred dollars out of the school funds of said districts, first arising and accruing after such determination.

This act to take effect and be in force from and after its passage.

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### CHAPTER CXCIII.

An Act to legalize the acts of the Probate Courts and the County Commissioner's Courts in the county of Boone.

[APPROVED, JANUARY 31, 1842.]

Whereas, The condition of the court house of the county of Boone, has been such as to render it necessary to hold the probate and county commissioner's courts of said county in a private house, from the May term thereof in the year 1839 to the May term in 1841: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana*, That all the acts and proceedings of the probate courts and county com-

missioner's courts of Boone county from the May term thereof in the year 1839, to the May term in 1841 be, and the same are hereby legalized and confirmed, and rendered of the same force and effect to all intents and purposes, as if the said courts had been held in the proper court house of said county.

**Sec. 2.** This act to take effect and be in force from and after its passage.

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### CHAPTER CXCIV.

An Act to amend an act entitled "an act concerning Knox county," approved January 28, 1839.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana*, That the second, third, fourth and fifth sections of an act approved Jan'y 28, 1839, entitled "an act concerning Knox county," be, and the same are hereby repealed.

**Sec. 2.** This act to be in force from and after its passage.

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### CHAPTER CXCV.

An Act to authorize Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk in the conveyance of real estate.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana*, That Elizabeth Cronk of the county of Floyd, formerly Elizabeth Re-sor, being under the age of twenty-one years, is hereby authorized and empowered to unite with her husband, Martin Cronk, in the conveyance of any or all the real estate inherited by her from the estate of her parents or others; and when she shall have so united with her said husband in any such conveyance, it shall be deemed good and valid in law and equity as though the said Elizabeth had not been under twenty-one years of age.

**Sec. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CXCVI.

An Act to legalize the change of the name of the town of Camden in Jay county.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the change of the name of the town of Camden in Jay county, formerly known by the name of New Lisbon, be, and the same is hereby legalized.

**SEC. 2.** That the transfer of all real estate made subsequent to the said change of the name of said town of Camden be also legalized, to have full force and effect, the same as if the change had been legally made.

**SEC. 3.** This act to take effect and be in force from and after its passage.

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## CHAPTER CXCVII.

An Act concerning the Union county seminary.

(APPROVED, JANUARY 29, 1842.)

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the trustees of the Union county seminary, be, and they are hereby authorized in their official capacity, to borrow any sum or sums of money, not to exceed in the aggregate the sum of five hundred dollars, at any rate of interest not to exceed eight per centum per annum; said sum or sums of money when so borrowed, to be expended by the trustees aforesaid, in the completion of the seminary edifice of said county of Union, and furnishing said seminary edifice with suitable fixtures and apparatus for keeping a seminary of learning therein.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

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## CHAPTER CXCVIII.

An Act relative to a dam and lock in Elkhart river in the county of Elkhart.

[APPROVED, JANUARY 29, 1842.]

WHEREAS, Abner P. Simonton, and George N. Martin have erected a dam and lock in Elkhart river in the township of Concord, Elkhart county; which

lock is of sufficient size to admit the passage of all such craft as can at any time navigate said river: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so long as the lock in said dam shall be kept in good repair, and in condition to pass safely and without delay, all such craft as may or usually do navigate said river, the owner or owners of said dam and lock shall be exempt from all the fines, forfeitures, and provisions of the 42d section of an act entitled "an act relative to crime and punishment," approved, February 10th, 1831.

**SEC. 2.** This act to take effect and be in force from and after its passage.

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## CHAPTER CXCIX.

An Act to direct the fencing of the grave-yard on the poor farm in Marion county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the commissioners of Marion county, to have cleared off and fenced, on the best terms to the county they can procure the same to be done, on or before the first day of September next, the present grave yard of the poor farm, for the burial of the paupers who die at the poor farm of Marion county; such enclosure to contain not less than an acre of land.

**SEC. 2.** Said grave-yard when so fenced, to be a public grave-yard; the fence to be a good post and rail, or plank fence.

**SEC. 3.** This act to take effect and be in force from and after its passage.

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## CHAPTER CC.

An Act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named.

[APPROVED, JANUARY 29, 1842.]

*Be it enacted by the General Assembly of the State of Indiana,* That Isaac Spencer, recorder of Noble county be, and he is hereby authorized to make a correction on page number sixty-nine, in book number one of records for Noble county, so far as relates to the recording of the plat of the town of Augusta in said county.

This act to take effect and be in force from and after its passage.

## CHAPTER CCI.

An Act to authorize the building of a bridge over Lasselles creek.

[APPROVED, JANUARY 31, 1842.]

**WHEREAS**, By the construction of the Wabash & Erie canal, a certain creek in Miami county called Lasselles creek, is often rendered impassable by reason of high water: Therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the Wabash & Erie canal shall in conformity to the law, providing for State roads, where the canal interferes with them, cause the said creek to be bridged and made as convenient to pass, as it was before the construction of said canal. Said bridge to be built during the summer of 1842: *Provided*, It does not cost over \$100.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER CCII.

An Act vacating the town plat of Osceola in St. Joseph county.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the plat of the town of Osceola in St. Joseph county, Indiana, be, and the same is hereby vacated.

**SEC. 2.** This act to be in force from and after its passage.

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## CHAPTER CCIII.

An Act for the benefit of Blackford county.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the Treasurer of State, be, and he is hereby directed to pay over to the commissioner of the three per cent. fund of Blackford county, the same proportion of the three per cent. fund that is paid hereafter, to the other counties of this State.

**SEC. 2.** This act to be in force from and after its passage.

## CHAPTER CCIV.

An Act to amend an act, entitled an act to revise and amend an act incorporating Congressional townships, and providing for public schools therein.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That on the presentation of a written petition, signed by a majority of the voters of Congressional township number twenty-two north, of range number nine west, in the county of Warren, to the school commissioner of said county, for the sale of the sixteenth section in said township, he shall, after having given legal notice of said sale, and after a proper division of said section has been made, proceed to sell the same, as provided in the act to which this is an amendment, on a credit of ten years.

**SEC. 2.** Every purchaser at such sale shall pay to the commissioner, at the time of sale, legal interest on the principal for one year in advance, and annually thereafter in advance.

**SEC. 3.** Upon a failure to pay such interest within sixty days after the same becomes due, the rate of interest from the expiration of the said sixty days, shall be twenty per cent. per annum, until paid; but upon failure to pay the principal within six months after the same shall become due, the land, together with the improvements thereon, and the contract of sale therefor, shall be forfeited with the restrictions and limitations provided in the act to which this is an amendment, and the commissioner shall proceed to re-sell the same according to said act.

**SEC. 4.** The interest and principal when received shall be subject, in every respect, to the provisions of the act aforesaid. All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

**SEC. 5.** This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a certified copy to the school commissioner of Warren county.

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## CHAPTER CCV.

An Act to give corporate powers to the county of Brown.

[APPROVED JANUARY 29, 1842.]

**Sec. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the county of Brown be, and is hereby declared to have cor-

porate powers, to sue and be sued, plead and be impleaded, answer and be answered unto, to have, use, and adopt a common seal.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CCVI.

An Act providing for removing obstructions in St. Joseph river, in the counties of Elkhart and St. Joseph.

[APPROVED, JANUARY 31, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That it shall and may be lawful for the boards doing county business in the counties of Elkhart and St. Joseph, to apply one half of the county revenue that may be collected in those counties for the years 1842 and 1843, in removing obstructions to the navigation of St. Joseph river, in said counties: and also, that the boards doing county business in said counties may, if they deem it expedient, levy an additional tax of not more than ten cents on each one hundred dollars of taxable property in said counties to be applied in the same manner, and for the same purposes as the moiety of State tax above specified.

**SEC. 2.** The boards doing county business in the said counties shall each appoint a suitable person to superintend the removal of said obstructions, and disburse the moneys expended thereby, having given the proper security for the faithful discharge of their duties, and they shall also account to said boards, presenting satisfactory vouchers at each regular meeting of such boards during the time said superintendents shall be employed, and until their accounts shall be finally settled.

**SEC. 3.** The amount of tax which shall be collected in the county of Elkhart, shall be expended in the county of Elkhart, and the amount which shall be collected in the county of St. Joseph, shall be expended in St. Joseph county.

**SEC. 4.** This act to take effect and be in force from and after its passage.

## CHAPTER CCVII.

An Act for the benefit of a private school in Marion county, Indiana, situated in section 31, township 15 north, range 4 east, known by the name of Wright's school-house.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for each and every teacher that shall teach school in the above named school-house, and who has procured the necessary certificate from the county examiner after he or she, as the case may be, has made oath before some justice of the peace, that he or she has taught a school in the above named house, for at least three months in the year pending the distribution, then and in that case, it shall be the duty of the district treasurer of the several districts to which the pupils of said private school belong, to pay to such teacher their equal proportion of the school fund, as though the same was a district school-house, on his or her application for the same.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CCVIII.

An Act authorizing the administrator of Mathew H. Kempton deceased to bring certain suits in Perry county.

[APPROVED, JANUARY 29, 1842.]

WHEREAS, It is represented to this General Assembly, that Thomas P. Britton, clerk of the circuit and probate court of Spencer county, in this State, has taken possession of the goods and chattels, rights, credits, moneys and effects of the estate of Mathew H. Kempton, late of said county deceased, by virtue of his own appointment of administrator of said estate, and has failed to account for the same to the rightful administrator: Therefore,

**SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the present or future administrator of the said Mathew H. Kempton deceased, may sue said Thomas P. Britton in the circuit or probate court of Perry county, in this State, either at law or in equity, and that the said court shall take jurisdiction of any case brought against said Britton, by said administrator, in the same manner as though said Britton resided, or was found in said county of Perry, and the clerk of said circuit or probate court of the county of Perry, shall issue a summons to said Britton at the request of said administrator, directed to the sheriff of said county of Spencer, and the said sheriff shall serve the same on said Britton and return the same to the said clerk; and said service when so made shall have the same effect as though it was served on said Britton, in the county of Perry, by the sheriff of said county.

**SEC. 2.** This act to be in force from its passage.

## CHAPTER CCIX.

An Act to vacate part of Grimes' addition to the town of Delphi, Carroll county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all that part of Grime's addition to the town of Delphi, which lies between the street in said addition known as second street, and the Wabash & Erie canal where the said canal passes through said addition, be, and the same is hereby vacated, *except* the street running through the said addition, from the said canal to the Wabash river, known as Franklin street: *Provided*, That nothing in this act shall be so construed as to affect the rights of any purchaser or purchasers of any lot or lots in said addition.

**SEC. 2.** That the State road which runs from the canal to the said river, near the said Franklin street, be, and the same is hereby so changed as to run within said Franklin street.

**SEC. 3.** This act be in force from and after its passage.

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## CHAPTER CCX.

An Act to provide for the election of an additional justice of the peace in Silver creek township, Clarke county.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business for the county of Clarke, at their next May session, or some subsequent session, if they think the public good require it, be, and they are hereby authorized to order one additional justice of the peace, to be elected in the township of Silver creek in said county, by the qualified voters of said township; which election shall be conducted in the same manner, and according to the law regulating the elections of justices of the peace in this State: *Provided*, That if a majority of the voters of said township remonstrate against the said election, the same shall not be ordered.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER CCXI.

An Act to provide for the election of a justice of the peace in the town of St. Louis, in Bartholomew county.

[APPROVED, JANUARY 29, 1842]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That a justice of the peace shall be elected in the town of St. Louis, in Bartholomew county, by the qualified voters of Hawcreek township, in which said town is situated, in the same manner they might or could do, if said town was incorporated.

**SEC. 2.** Such justice of the peace when elected and commissioned shall take the oath of office, and give bond as is required by law, and shall do and perform all duties and acts as are required by law of such officers, and shall be held amenable in all cases as other justices of the peace.

**SEC. 3.** The said justice shall keep his office in said town of St. Louis, and on failure so to do, or moving out of said town, then said office shall be considered vacated, and shall be filled as all other vacancies of the kind.

**SEC. 4.** The board doing county business of Bartholomew county at their next session, or the clerk in vacation shall cause this act to be carried into effect according to the laws now in force, providing for the election of justices of the peace in vacation.

**SEC. 5.** This act to take effect and be in force from and after its passage.

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## CHAPTER CCXII.

An Act supplemental to "an act to authorize certain persons therein named to erect a dam across the east fork of White river, in Lawrence county," approved February 4, 1837.

[APPROVED, JANUARY 29, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That any two justices of the peace of the county of Lawrence, shall have authority to inquire by a jury, (in the same manner as by an act against forcible entry and detainer, approved Feb. 17, 1838, they are authorized to do, and following as nearly as may be, the course pointed out by that act, in issuing their warrant to the sheriff or coroner of said county, commanding him to summon a jury and in issuing a summons to the party complained of, and in such other proceedings as are necessary by the provisions of that act,) whether the dam erected across the east fork of White river, by authority of an act to authorize certain persons therein named to erect a dam across the east fork of White river, in Lawrence county, approved February 4, 1837,

exceeds the perpendicular elevation prescribed by that act, and whether in all things it conforms to the provisions thereof, so as not to obstruct the navigation, upon complaint being made to them in writing by any citizen or citizens of this State complaining of said dam as obstructing the navigation of said river.

**SEC. 2.** That any process which may issue under the provisions of this act may, in case Sherwood P. Moore and Josiah Lawrence in the act to which this is supplemental mentioned, cannot be found, or either of them, be served upon any agent or manager, or other person in the employ of the said Moore and Lawrence about the said dam, or business of the said Moore and Lawrence thereto attached; and such service upon such agent, manager or other person in the employ of said Moore and Lawrence as aforesaid, shall be taken and deemed to be service upon the said Moore and Lawrence of such process, and the same proceedings shall be had to judgment and execution as though the process had been served upon the said Moore and Lawrence, or either of them, or upon their assignees, (if any such there be,) personally.

**SEC. 3.** If the jury shall return their verdict signed by the whole pannel, that the complaint is supported by evidence, the justices shall enter up judgment against the defendants requiring them to alter their said dam in such manner as to make it conform to the provisions of the act to which this is supplemental; and also render judgment against the defendants for the costs of the trial, and charges which shall accrue in carrying the judgment of said justices into execution, and thereupon issue their writ directed to the sheriff of said county of Lawrence, commanding him to give notice to said defendants, that they alter the dam according to the terms of the judgment aforesaid forthwith; and that if the defendants shall fail or neglect to comply with said judgment within twenty days after the rendition thereof, then that the said dam be reduced to the height, in the act to which this is supplemental, mentioned by the sheriff, at the cost of the defendants and also that said sheriff shall levy of the goods, chattels or lands of said defendants the sum of , being costs taxed against them, on the trial aforesaid, and all accruing costs and charges necessary to carry said judgment into execution.

**SEC. 4.** This act to be in force from and after its passage.

### CHAPTER CCXIII.

An Act providing for the election of three School Commissioners in township No. 14 north, of range No. 7 west, in Parke county.

[APPROVED, JANUARY 13, 1842.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it may and shall be lawful for the qualified voters of the township aforesaid, on the first Monday in April next, and every third year thereafter, to meet at the usual place of holding elections in said township, for the purpose of electing three school commissioners from among the qualified voters of the same; which election shall be conducted, in all respects, as provided in the law regulating general elections.

**SEC. 2.** The commissioners so elected, before entering upon the duties of their office, shall give bond payable to the State of Indiana, for the use of schools in said township, in the penal sum of three thousand dollars, with three freehold securities, to be approved by the board of county commissioners of said county, conditioned for the faithful discharge of the duties of their office, and for paying over to their successors in office all the money that they may receive by virtue of their office; which bond shall be filed with the auditor of said county; and they shall also take an oath for the faithful performance of their duties. Said commissioners shall receive, as a compensation for their services, seventy-five cents for each day they may be necessarily employed in the discharge of their duties; which compensation shall be paid out of the school fund of said township; and they shall elect one of their number whose duty it shall be to act as treasurer, and they shall hold their office for the term of three years from the time of their election, and until their successors are elected and qualified: *Provided,* They are guilty of no misconduct.

**SEC. 3.** The commissioners aforesaid, in the discharge of their duties and exercise of their powers, shall be governed by the laws regulating the duties and powers of school commissioners in the several counties in this State, in making the sale of said school section, keeping books, loaning the funds arising from the sale of said school section, together with the restrictions and limitations now in force by virtue of said law, except as in this act specified.

**SEC. 4.** And it shall be the duty of the school commissioner of said county, upon the demand of the commissioners so elected, to make out a full and complete statement of all the money, notes, bonds, mortgages, books, papers and effects belonging to the said township, and deliver the same to the commissioners aforesaid; and, upon his refusal to comply with this requisition, the township commissioners so elected may sue for the same in any court of competent jurisdiction.

**SEC. 5.** And from and after the election and qualification of the said commissioners, the office of township trustee shall be abolished in

the township aforesaid, and the present trustees shall deliver to the said commissioners all the money, notes, bonds, mortgages, books and papers that properly belong to said township; and that it shall be the duty of said commissioners to perform all the duties required by law of said township trustees.

SEC. 6. In all cases where vacancies occur, either by death, resignation or otherwise, it shall be the duty of the county commissioners of said county to fill such vacancies at their first regular meeting; which vacancies shall be filled, in all cases, with citizens of said township, who shall give bond and security as herein specified.

SEC. 7. The provisions of this act shall not deprive the citizens of said township of their portion of the surplus revenue, nor of any other school funds, arising from the laws now in force in this State, for the support of education.

SEC. 8. *And be it further enacted,* That an act entitled "an act for the election of three school commissioners in said township," approved December 14, 1839, and the supplement to said act, approved February 13, 1840, be, and the same are hereby repealed.

SEC. 9. This act to take effect and be in force from and after its passage.

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#### CHAPTER CCXIV.

An Act to legalise the election and official acts of the probate judge of the county of Fulton.

[APPROVED, JANUARY 17, 1842.]

*Whereas,* John J. Shryock, of the county of Fulton, was, at the last August election, elected probate judge for said county, without having first obtained a certificate of qualifications, as required by law: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the election of the said John J. Shryock, as probate judge aforesaid be, and the same is hereby legalised, and the official acts of said probate judge are hereby rendered as legal as if the certificate of qualifications had been obtained previous to his election.

This act to be in force from and after its passage.

#### CHAPTER CCXV.

An Act to authorize Nathan Kirk to build a bridge on the Michigan road.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Nathan Kirk of Clinton county be, and he is hereby authorized and permitted to construct a bridge on the Michigan road near the north line of said Kirk's land, and near Kirklin, in said county of Clinton.

SEC. 2. Such bridge to be made of good and substantial materials, and shall not exceed eight feet in height in the centre, and shall be of such gradual ascent as not to hinder or obstruct the passage of wagons or carriages on said road, and shall be twenty feet wide.

SEC. 3. It shall be the duty of the said Kirk when said bridge shall be completed, to report the same to the board doing county business for the said county of Clinton, who shall appoint some disinterested free-holder to examine said bridge, who shall report in writing to the next board doing county business for the said county, whether in his opinion such bridge will be any obstruction to said road, and if it shall appear from such report, that such bridge is constructed in the manner herein required, then said commissioners shall authorize said Kirk to close up the road on each side of said bridge and make a lane under said bridge.

SEC. 4. That the said Kirk shall construct and build said bridge at his own expense, and also keep said bridge in good repair, under the penalty of twenty dollars for every day such bridge shall not be kept in order for wagons and carriages to pass over.

SEC. 5. This act to be in force from and after its passage.

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#### CHAPTER CCXVI.

An Act to legalize the election and official acts of John J. Deming, Probate Judge of the county of St. Joseph, Indiana.

(APPROVED, JANUARY 18, 1842.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the election of John J. Deming, probate judge of the county of St. Joseph, and all his official acts as such judge be, and the same are hereby legalized and rendered as effectual in law and equity, as if said Deming had been legally elected and commissioned according to law.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CCXVII.

An Act relating to the trustees of Vevay Seminary.

[APPROVED, JANUARY 18, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Frederick L. Grisard, Ladig Rons, Abraham B. Dumont, Benjamin Detruz, and Perret Dufour, the trustees of the Vevay Seminary be, and they are hereby fully authorized and empowered to convey to the corporation of the town of Vevay, or to the trustees of said town, by their corporate name and style, lots numbered forty-eight, and forty-nine, on the original plat of said town; which lots were conveyed to said Seminary by John Francis Dufour. The said conveyance to be executed under the provisions of this section, shall be upon this condition and trust, viz: That the said lots shall be forever retained and held by said corporation as a permanent site for a district school house, to be erected under the laws regulating congressional townships and district schools.

SEC. 2. The said trustees of the Vevay Seminary are hereby authorized and empowered to apply the proceeds of the sale of seminary property now on hands, or which may be hereafter collected by them, to the erection of a district school house in that part of the town of Vevay which lies below main cross street of said town.

SEC. 3. The inhabitants of that part of the town of Vevay, which is not included in the school district in which said school house is proposed to be erected, shall contribute in just proportion with the inhabitants of said school district, the funds necessary to complete said school house; and for the purpose of assessing and collecting said contribution, said part of said town of Vevay shall be deemed and taken to be part of said school district.

SEC. 4. That the deed of conveyance directed to be executed in the first section of this act, shall not be made without the assent and concurrence of the donor, John Francis Dufour, which concurrence shall be evidence by an endorsement under seal, on said deed.

SEC. 5. That so soon as the trustees of the Vevay Seminary shall have complied with the requisitions of this act, they are hereby authorized and empowered to surrender their charter, by a certificate of such surrender under seal, to be by them filed and recorded in the recorder's office of Switzerland county, Indiana.

SEC. 6. This act shall take effect and be in force from and after its passage.

## CHAPTER CCXVIII.

An Act to authorize the appointment of a commissioner in Lebanon, Boone county.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William P. Davis, be, and he is hereby appointed a commissioner to receive and expend certain sums of money paid into the treasurer of the incorporation of the town of Lebanon, in Boone county, under the act of incorporation and its by-laws.

SEC. 2. Said commissioner is authorised to demand of and receive of James McCane and William Zion or any other person, having in possession the evidence of indebtedness, or moneys due, which has been paid in under the said act of incorporation and by-laws of said town of Lebanon; and when received, shall forthwith proceed to expend the same as follows, to-wit: said commissioners shall pay over to one Jared King of said town, the amount with interest, the said King formerly paid for license to retail spirituous liquors.

SEC. 3. Said commissioner shall expend all the residue of said moneys to the best possible advantage, in grading and improving the streets within the town of Lebanon aforesaid, retaining seventy five cents per day to himself, for every day necessarily employed in expending the same, and report all his proceedings to the board doing county business for the county of Boone, who are hereby authorized to make settlement with said commissioner.

SEC. 4. This act to take effect and be in force from and after its passage.

## JOINT RESOLUTIONS.

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### CHAPTER I.

A Joint Resolution authorising the distribution of the Revised Laws of 1838, to Randolph county.

[APPROVED, JANUARY 37, 1842.]

*Resolved by the General Assembly of the State of Indiana,* That the Secretary of State be directed to forward to the clerk of Randolph county, eight copies of the Revised Laws of 1838, for the use of said county.

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### CHAPTER II.

A Joint Resolution relative to the harbor of St. Joseph, at Lake Michigan.

[APPROVED, JANUARY 25, 1842.]

*Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure an appropriation for the purpose of completing as speedily as may be, the unfinished works designed to render more safe and secure the harbor of St. Joseph on lake Michigan.

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### CHAPTER III.

A Joint Resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's Campaign.

[APPROVED, JANUARY 24, 1842.]

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress are hereby instructed, and our Representatives

requested, to use their exertions to procure the passage of a law providing for the pensioning the surviving officers and soldiers who served in Wayne's Campaign. Also to use their influence to procure a change of the rules of the War Department so as not to require the widows of revolutionary pensioners to prove the services of their deceased husbands in order to enable them to obtain a pension. And that it be the duty of His Excellency the Governor to transmit, as soon as practicable, a copy of this joint resolution to each of our Senators and Representatives.

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### CHAPTER IV.

A Joint Resolution Relative to Blackford's Reports in Lagrange and Hancock counties.

[APPROVED, JANUARY 12, 1842.]

**WHEREAS**, Sometime in the year 1839, the Probate Judge of Lagrange county removed from said county, carrying with him one copy of the first, one copy of the second, one copy of the third, and one copy of the fourth volumes of Blackford's Reports, intended for the use of the Probate Judge of said county: And whereas, the Probate Judge of said county is destitute of the above named authorities: And whereas, it appears that the above named volumes of said reports were burned with the Hancock county Library; Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the Secretary of State be, and he is hereby authorized and required to forward the said volumes to said counties at the time he forwards the laws of the present session, out of any number of said reports which may be in the State Library, for further distribution.

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### CHAPTER V.

A Joint Resolution on the subject of the location of an Armory in the West.

[APPROVED, DECEMBER 21, 1842.]

**WHEREAS**, It is believed by many that the State of Indiana would be wanting in her duty, in withholding from the eye of the Government of the United States, the combination of facilities concentrated at the grand rapids of the great Wabash river, and designating it as a spot peculiarly adapted as a site, for the location of the armory contemplated by the government to be established in the west. The great Wabash river is a large stream running

through a great extent of cultivated country, navigable for steam boats for four hundred miles. Its navigation is connected with the lakes of the north, by means of the Wabash and Erie canal, and with every stream in the west, whose waters flow into the Gulph of Mexico. From the rapids to its mouth, the great Wabash is nearly equal in size to the Ohio, with which stream it unites two hundred and sixty eight miles below the falls, and one hundred and thirty-three miles above its mouth. The grand rapids are seventy miles by land from the Ohio, and one mile above the flourishing town of Mount Carmel, in the State of Illinois. White river (the main branch of the Wabash) puts in a short distance below the rapids, and the river Patoka joins the Wabash opposite the town of Mount Carmel. Upon each of these three streams are inexhaustible beds of coal, and vast forests of the finest timber; and upon two of these rivers in the vicinity of the rapids, iron ore is abundant. The rapids themselves give an unlimited power of water for propelling mills and every description of machinery. In addition to the facilities for navigation, which this point possesses, the town of Mount Carmel is the terminus of two contemplated railroads, forming when completed, a straight and direct communication between St. Louis and Alton on the Mississippi, and New Albany and Louisville at the falls of the Ohio. This line of road is designated to obviate the difficulties, delays, and expenses incident to the navigation of the Ohio at certain seasons of the year, from low water and ice. Louisville and St. Louis distant from each other six hundred miles by water, are, by this route of railroad separated by a distance of only two hundred and seventy-five miles. For several months in the year, the navigation of the Ohio is obstructed, so that steam boats are frequently ten days in making a trip between Louisville and St. Louis. By the contemplated railroad those points would be accessible to each other daily at all seasons of the year; it might be an object worthy of attention of the General Government, to take up and prosecute to final completion this contemplated railroad, upon which the State of Illinois has expended a large sum of money. In fact, the extraordinary advantage and saving to the General Government in the post office department, would far exceed the cost of constructing this line of road. The rapid increase of population west of the Ohio and Mississippi, must soon demand the maximum compensation (\$300 per mile) allowed for carrying the mail. The many facilities which this road would give, added to the natural advantages with its general communication with the rivers of the west and south, and the lakes of the north, the presence of the most valuable timber, coal and iron, in the vicinity of the great water power, a combination of qualifications great in themselves, but which are much enhanced when their geographical position is duly considered: Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the board of examiners appointed by authority of the Government of the United States to examine a site for the location of an armory in the west be, and they are hereby respectfully requested to examine the grand rapids on the great Wabash river, it being a point possessing many advantages worthy the careful inspection of said board.

*And be it further resolved,* That if said board do not select the great falls of the Wabash river, that they are respectfully requested to examine any and all places in the State of Indiana, which may in their judgment be deemed suitable to carry out the wishes of the Government upon this subject.

*Be it further resolved,* By the authority aforesaid, that the Governor

of this State be requested to forward one copy of the foregoing preamble and resolution to General Armistead, president of said board at St. Louis, and a like copy to the President of the United States.

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## CHAPTER VI.

A Joint Resolution for the relief of Hugh O'Neal.

(APPROVED, JANUARY 31, 1842.)

*Whereas,* It satisfactorily appears to this General Assembly that there was recently stolen from Hugh O'Neal, Esq., Prosecuting Attorney of the 5th judicial circuit, five Indiana treasury notes for fifty dollars each, and six treasury notes for five dollars each, which he had received from the Indianapolis Branch of the State Bank of Indiana, for the State, on account of a tax on the capital of the Bank for the year 1841, amounting, including the interest thereon, to the sum of three hundred and five dollars and sixty cents: Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That if the said O'Neal shall not be able to reclaim said funds he shall not be bound to pay the amount to the treasurer before the first day of January next.

This joint resolution to take effect and be in force from and after its passage.

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## CHAPTER VII.

A Joint Resolution in relation to the early settlement of this State.

[APPROVED, JANUARY 29, 1842.]

*Be it resolved by the General Assembly of the State of Indiana,* That the Governor of this State be, and he is hereby directed to open a correspondence with General Cass, our Minister at Paris, for the purpose of obtaining, through him, copies of the reports of the French commandant, and other communications filed among the Public Archives there, which may throw any light on the early settlement of this State.

## CHAPTER VIII.

A Joint Resolution for the liquidation of a claim of the late Treasurer of State for duties rendered in relation to the Lawrenceburgh and Indianapolis Railroad Company.

[APPROVED, JANUARY 31, 1842.]

*Whereas*, By an act authorising a general system of internal improvements, certain duties were required to be performed by the Treasurer of State, for which said Lawrenceburgh and Indianapolis Railroad Company were required to pay said Treasurer a stipulated amount, of which there is yet due said Treasurer, for duties rendered, one hundred and eighty dollars : And whereas, the said company did, in the year 1836, assign to the State of Indiana, bonds and mortgages to the amount of two hundred and twenty-one thousand one hundred and eighty dollars, and received state bonds to the amount of two hundred and twenty-one thousand dollars, leaving an excess of bonds and mortgages over the amount of state bonds of one hundred and eighty dollars : Therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby directed to pay to N. B. Palmer, late Treasurer of State, the sum of one hundred and eighty dollars, on his producing to said Treasurer the authority of said company, or its lawfully authorised agent, to draw the said excess of one hundred and eighty dollars aforesaid.

This joint resolution to be in force from and after its passage.

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## CHAPTER IX.

A Joint Resolution on the subject of a Lunatic Asylum.

[APPROVED, JANUARY 31, 1842.]

*Whereas*, It is shown by the returns of the late census that there are already within the limits of the State of Indiana, the number of two hundred and forty-one insane persons, which number must continue to increase with the increase of our population ; and whereas, it is reported that a number of our own citizens, disheartened as to any prospect of seeing Indiana engage in the laudable and necessary work of erecting a lunatic-asylum, have been striving in vain for admission into the institution of a sister State ; and whereas, it is highly criminal longer to delay action on this important subject, and disregard the calls of suffering humanity,

*Be it resolved by the General Assembly of the State of Indiana*, That

it be made the duty of the Governor to hold a correspondence with the superintendents of the lunatic asylums of our sister States, with the view to ascertain the most approved plans for the construction of an asylum and the manner of conducting it, and any other information he may think necessary ; which plans and information he shall communicate to the next General Assembly, with such recommendation on the subject of the immediate undertaking of the erection and establishment of an Indiana lunatic asylum as he may think proper.

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## CHAPTER X.

Memorial and Joint Resolution on the subject of the National Road.

[APPROVED, DECEMBER 28, 1841.]

*The Memorial of the General Assembly of the State of Indiana, respectfully represent*: That a recommencement of operations on the national road, with a view to its speedy completion, is a matter of great interest to the people of this State, who, notwithstanding they have seen their hopes blasted year after year, yet look with full confidence to the General Government for such appropriations as may be necessary to accomplish that desirable end. The present condition of this road is such as to forbid the idea that it would escape the attention of the delegation of Indiana, in Congress, but as the whole west are peculiarly interested in this great thoroughfare, we are induced again to call your especial attention to the subject, as an act of justice to the people of this State.

The work on this road commenced in 1830—much good was done in opening, grading and bridging a great portion of the whole route through Indiana ; but in this unfinished condition it has been left by the General Government, and now, at the close of 1841, it is in such a situation as to be, in a great measure, impassable, even by the mails of the United States.

The interests and claims of this road have so often been pressed upon the attention of Congress, that we deem it unnecessary to reiterate them. We would say, however, that the people of Indiana do not expect a more unkind treatment towards them than Congress has evinced to the people of those States through which it has been completed. Indiana, and the four great western States which are immediately interested in this work, feel that they are not asking too much of their Government, even under the present embarrassed condition of the finances of the Government. They ask but a pittance of the millions expended on the sea-board, and in the increase of the navy. They do not complain that year after year these appropriations have gone on ; but should their prayers in this matter be disregarded again, they feel

that they have a right to complain, in being thus overlooked by Congress and the Executive. They ask but a small portion of the many millions drained from the west for lands, and expended east, to be expended in making a great thoroughfare, by which a communication may be opened between the east and the west: Therefore,

*Resolved, by the General Assembly of the State of Indiana,* That our Senators and Representatives in Congress, be requested to urge, whether it is included in the appropriations of the Secretary or not, a speedy and liberal appropriation on the Cumberland or National road in Indiana, and that they cause to be laid before each branch of Congress a copy of this memorial and joint resolution.

*Resolved,* That the Governor of this State be requested to cause a copy of this memorial and resolution to be transmitted to each of our Senators and Representatives in Congress.

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## CHAPTER XI.

A Joint Resolution in relation to the construction of a harbor at Michigan city.

[APPROVED, JANUARY 25, 1842.]

**WHEREAS,** The improvement and construction of harbors on the great northern lakes, has been found essentially necessary for the safety of the lives of our sailors, and the protection of the great and rapidly increasing commercial transactions thereon: And, whereas, the appropriations heretofore made for the improvement of the harbor at Michigan city, in the State of Indiana, have been fully expended under the superintendence of the officers appointed, agreeably to the directions of the Secretary of War, without sufficient progress in the construction of said harbor, to render it serviceable for the purposes for which it was intended: And, whereas, a large amount of timber and other materials for the construction of said harbor, have been procured at great cost and are now on hand, which from decay will soon be rendered unfit for use: And, whereas, the locality of Michigan city, with no harbor upon the west within sixty miles, or upon the east within thirty, together with her rapidly increasing commercial business, amounting at this time, in exports and imports, to more than six hundred thousand dollars per annum, calls loudly for a speedy completion of said harbor: Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested to use every reasonable exertion to procure an appropriation during the present session of Congress, for the completion of said harbor.

*Be it further resolved,* That His Excellency the Governor be directed to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XII.

A Joint Resolution in relation to the Wabash and Erie canal lands.

[APPROVED, JANUARY 26, 1842.]

**WHEREAS,** By the act of Congress granting a certain quantity of land to the State of Indiana, for the purpose of aiding said State in opening a canal, to connect the waters of the Wabash river with those of Lake Erie, approved March 2d, 1827, there was granted to said State, for the purposes aforesaid, a quantity of land equal to one-half of five sections in width on each side of said canal, from one end thereof to the other: And, whereas, owing to the sinuosities of so much of said canal as has been constructed, and the residue thereof as laid down and surveyed from the Ohio State line, to the town of Terre Haute on the Wabash river, and owing to the rectangular mode of the public surveys of the lands bordering on the line of said canal, as so constructed and surveyed, it has been found impracticable to select according to the terms and meaning of said act, for the purposes aforesaid, the full quantity of five sections of land for each mile in length of the route of said canal, connecting the points aforesaid, by which means there has not yet been allotted for said object all the lands to which the State is equitably entitled, under the aforesaid grant: For remedy, whereof,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress are instructed and our Representatives are requested to use their exertions towards procuring the passage of an act empowering the State to select from any unsold public lands within the same, a quantity which, with that already selected, will be equal to five sections for each and every mile of said canal, as constructed or surveyed between the points aforesaid.

*Resolved further,* That the Governor is hereby requested to transmit to each of our Senators and Representatives copies of this joint resolution.

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## CHAPTER XIII.

A Joint Resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives.

[APPROVED, JANUARY 31, 1842.]

*Be it resolved by the General Assembly of the State of Indiana,* That it shall be the duty of the public printer carefully to preserve the manuscript journals of the Senate and House of Representatives, and after the same have been printed, to hand the same over to the Secretary of State, who shall file them in his office for preservation.

This joint resolution to be in force from and after its passage.

## CHAPTER XIV.

A Joint Resolution authorizing the board of internal improvement to settle the claims of the residue of the contractors on the southern division of the Central canal.

[APPROVED, JANUARY 24, 1842]

*Be it resolved by the General Assembly of the State of Indiana,* That the board of internal improvement be authorized and they are hereby instructed, to settle with the contractors on the southern division of the Central canal who have not been settled with, as referred to in their annual report of the sixth of December 1841: *Provided*, That said board of internal improvement, in their settlement with the same, adopt the same principles of relative value in relation to each section that were adopted by the arbitrators convened at Princeton on the second day of June last, under the act entitled "an act to provide for the settlement of suspended claims for labor on the public works," approved, February 15, 1841: *And Provided further*, That said board shall call to their aid such Engineer as may be acquainted with the several contracts herein referred to: *Provided further*, That all the contractors who may settle with the said board of internal improvement in pursuance to the provisions of this joint resolution, shall receive the several amounts found due to them in full of all damages on account of their respective contracts.

This joint resolution to take effect and be in force from and after its passage.

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## CHAPTER XV.

A Joint Resolution designating the same day throughout the United States, for the election of President and Vice President.

[APPROVED, JANUARY 29, 1842.]

*Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested to vote for the passage of a law designating the same day throughout the United States, for the choice of electors of President and Vice President of the United States.

*And be it further resolved,* That the Governor be required to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XVI.

A Joint Resolution in relation to the revenue of Marion county.

[APPROVED, DECEMBER 14, 1841.]

WHEREAS, Under the provisions of an act entitled an act to provide for the further construction of the Madison and Indianapolis Railroad, approved February 15, 1841, the board of county commissioners of said county levied a tax equal to five cents on every hundred dollars worth of taxable property, to aid in the construction of the said Railroad: AND WHEREAS, Several of the other counties named in said act, have failed to levy and collect said tax: Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the collector of Marion county be, and he is hereby required to suspend the further collection of said tax. And in all cases where said tax shall have been paid it shall be the duty of said collector to refund the same on demand. And the board of county commissioners of said county be, and they are authorized to make to such collector a reasonable allowance for his trouble in refunding said tax, to be paid out of the revenue of Marion county.

This joint resolution to be in force from and after its passage, and a copy thereof shall be furnished to said collector.

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## CHAPTER XVII.

A Joint Resolution for the benefit of the citizens of the reserved township in Gibson county.

[APPROVED, DECEMBER 31, 1841.]

*Whereas,* The entire township of land, commonly called the reserved township in Gibson county, was granted by the Congress of the United States to the State of Indiana, for the benefit of a State College, whereby the inhabitants of said township have been deprived of all the advantages arising from the sixteenth section in said township for school purposes: Wherefore,

*Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested, to lend their aid in procuring the passage of a law authorising the selection, within the Vincennes land district, out of any of the public lands therein, a quantity of land for the use of schools in said reserved

township, equivalent in value and in lieu of the sixteenth section in said township.

*Resolved, further,* That the Governor of Indiana be requested to forward to our Senators and Representatives in Congress a copy of the foregoing resolution.

### CHAPTER XVIII.

A joint resolution on the subject of improving the navigation of the western rivers.

[APPROVED, JANUARY 29, 1842.]

*Whereas,* It is the opinion of this General Assembly that the annual loss of lives and property in navigating the western rivers is so great as to demand the immediate attention of Government, that any reasonable amount of money expended in improving the navigation of said rivers, will be annually refunded more than ten fold to the citizens, by increasing the facilities of transportation: *And whereas,* The Snag Boat, invented and patented by Capt. Henry M. Shreve, is the most effectual engine yet discovered for removing the snags, sawyers and planters which are so mischievous in obstructing the navigation of the Mississippi, Ohio, Arkansas, Missouri, Great Wabash and Red Rivers, whereby millions of property are annually destroyed and the business of the people of the Mississippi valley greatly taxed by reason of the high rates of freight and insurance: Therefore,

**SEC. 1. Be it resolved by the General Assembly of the State of Indiana,** That our Senators and Representatives in the Congress of the United States be requested to use their best exertions to secure the necessary appropriations of money from the national treasury for removing the obstacles to, and improving the navigation of the Mississippi, Ohio, Wabash, Missouri, Arkansas and Red Rivers.

**SEC. 2. And be it also resolved,** That it is the opinion of this General Assembly that the Snag Boat invented by Captain Henry M. Shreve is an invention of so much importance to the western and south western portion of this country, that no individual should enjoy an exclusive right to use it,—and that Congress should pay him a fair and liberal price for his patent right, and extinguish the monopoly thereof.

**SEC. 3. And be it further resolved,** That His Excellency, the Governor, be requested to transmit a copy of the foregoing preamble and joint resolution to each one of our Senators and Representatives in the Congress of the United States.

### CHAPTER XIX.

A Joint Resolution on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois.

[APPROVED, DECEMBER 23, 1841.]

*WHEREAS,* The General Assembly of the State of Indiana at its present session, is taking measures contemplating an early resumption of specie payments by the bank of this State: Therefore,

*Resolved by the General Assembly of the State of Indiana,* That the Legislatures of the States of Ohio, Kentucky, and Illinois, be respectfully requested to take measures to secure an early resumption of specie payments, by the banks of their States respectively.

*Resolved further,* That His Excellency the Governor be requested to forward a copy of this joint resolution to the Executives of the aforesaid States with a request that they will lay it before the legislatures of their respective States.

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OFFICE OF SECRETARY OF STATE,  
INDIANAPOLIS, MAY 2, 1842

INDIANA, TO-WIT:

I do certify, that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus,] inserted to aid the sense.

WILLIAM SHEETS,  
*Secretary of State.*

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